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**Exploring the Role of the Self in the Islamic-Western Human Rights Discourse
A Comparative Examination of Foundational Texts of Key Scholars from the Sh'-'
Muslim and Western Philosophical Tradition - 'Al b. Ab lib, Zayn al-'bidn, Søren
Kierkegaard and Immanuel Kant**

Panjwani, Imranali

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Author: Imranali Panjwani

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**Exploring the Role of the Self in the Islamic-Western Human Rights
Discourse:**

**A Comparative Examination of Foundational Texts of Key Scholars from
the Shī‘ī-Muslim and Western Philosophical Tradition - ‘Alī b. Abī Ṭālib,
Zayn al-‘Ābidīn, Søren Kierkegaard and Immanuel Kant**

IMRANALI PANJWANI

Department of Theology & Religious Studies

King’s College London

For the degree of Doctor of Philosophy (Ph.D)

August 2013

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Abstract

Exploring the Role of the Self in the Islamic-Western Human Rights Discourse:

A Comparative Examination of Foundational Texts by Key Scholars from the Shī'ī-Muslim and Western Philosophical Tradition - 'Alī b. Abī Ṭālib, Zayn al-Ābidīn, Søren Kierkegaard and Immanuel Kant

The goal of my thesis is to explore the role of the self in the current Islamic-Western discourse on human rights. This discourse is about whether the Islamic and Western worldviews on human rights are compatible with each other. It is my contention that the dominant voices in this discourse that aim to reform Islamic human rights or find ways for it to engage with Western human rights are primarily legal. I aim to shift the discourse and consider the way in which the concept of the self can play a role in informing this discourse but more importantly, offer a potential framework by which human rights are understood and implemented. Here, the self becomes a unifying concept for both worldviews and offers a different line of enquiry for the discourse.

I aim to do this by basing my thesis on key works of four scholars from the Shī'ī-Muslim and Western philosophical tradition. These are *Nahj al-Balāgha* (Peak of Eloquence), which contains the sermons, letters and sayings of the first Shī'ī Imām and cousin and son-in-law of Prophet Muḥammad, 'Alī b. Abī Ṭālib; *Risālat al-Huqūq* (Treatise of Rights) by Zayn al-Ābidīn, the fourth Shī'ī Imām and great grandson of Prophet Muḥammad; *Eighteen Upbuilding Discourses* by the Danish philosopher, Søren Kierkegaard and finally, *The Metaphysics of Morals* by the German philosopher, Immanuel Kant.

By engaging in a comparative analysis of these texts, I aim to construct a role for the self that is appropriate for the human rights discourse and introduce a framework to access it. I argue that human beings from whatever religious background they originate need a way to understand their identity, personhood and the rights they claim for. This is particularly important today where human rights are not merely legal and political entities but show the endless empowerment of human beings to demand whichever right they wish for. This is dangerous as there is a lack of enforcement machinery on curtailing this empowerment which can lead to pursuing base desires through rights as well as causing harm to others. Thus, this thesis aims to carve out a practical framework for the self that can be sieved through human rights in order to help solve human rights conflicts, break the oppositional discourse between 'Islām' and the 'West' as well as bring the intellectual traditions of Shī'ī-Muslim and Western philosophy closer together.

Declaration of Authorship

I hereby confirm that the thesis submitted is totally my own work and that any parts of it which are copied from other sources are referenced therein in the prescribed manner according to the rules and regulations of King's College London.

Imranali Panjwani

29th August 2013

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In the final analysis, I humbly thank God for my very existence and all that I have. All Praise belongs to Him. May He bless all the above and may He bestow His favours on His beautiful Prophets, their families and all those that seek to walk a path that requires courage, knowledge and righteousness.

Introduction: Context, Aims, Figures and Texts

1. Context and Aims: Why Have I Chosen to Write this Thesis?

“The erosion of tradition and the collapse of accepted religious belief leaves us without a telos, a sanctified notion of humanity’s potential. Bereft of a sacred project, we have only a mystified image of a frail and fallible humanity no longer capable of becoming godlike.”¹

Can religions really offer human beings creative ethical frameworks in the face of modernity which deconstructs the self leaving it disengaged from tradition? My thesis is defined by this question because I intend to focus on how Shī‘ī-Islām and the Western philosophical tradition can offer the seeds to construct a practical framework by which an individual’s self can be accessed, understood and applied within the domain of human rights. Why is this important? Charles Taylor argues modernity has caused an internal displacement within human beings resulting in a “titanic change in our western civilization.”² This change involves moving from a simple reality that was part-Christian, part-pagan, “to one in which almost no one is capable of this, but all see their option as one among many. We all learn to navigate between two standpoints: an ‘engaged’ one in which we live as best we can the reality our standpoint opens us to; and a ‘disengaged’ one in which we are able to see ourselves as occupying one standpoint among a range of possible ones, with which we have in various ways to coexist.”³ What Taylor means by the move to choose different options is a worldview in which religion plays an inferior role in public society and in private life it is only one of the many options in which to view the nature of the world. Taylor’s focus is how people in Christendom, “lived naïvely within a theistic construal to one in which we all shunt between two stances, in which everyone’s construal shows up as such; and in which moreover, unbelief has become for many the major default option.”⁴ Taylor identifies three layers to this disengagement from religion as a whole which leads to his notion of the secular age.

¹ Lindholm, Charles., *Charisma* (Oxford: Wiley–Blackwell, 1993), p. 11.

² Taylor, Charles., *A Secular Age* (Massachusetts: Harvard University Press, 2007), p. 12.

³ Ibid.

⁴ Ibid, p. 14.

The first layer is characterised by the withdrawal of the religious worldview from the public sphere. This is a move away from transcendental reality to one which is world-orientated and reduces the role of the mystical and spiritual in people's lives. Moreover, in a transcendental reality, all sciences subscribe to the same worldview. They are unified by the same ethical and transcendental goals. In a secular worldview, however, all sciences are free to follow their own worldview and epistemology of the world. The second layer involves the decline in religious practice and the rise of individualism over communal bonds. People are less bound by communal and familial structures and are driven more by their own personal choices. The third layer, according to Taylor, is the way in which people conceive of social order. Religion is no longer a default status in people's lives nor does it have to play a role in public society. Rather religion is one option amongst many in which to understand the world. Whilst people are free to choose their own faith, the decline of importance given to religion has resulted in the loss of a pivot or centre by which we can view our lives and the cosmos as a whole. The self, therefore, is left without a cohesive worldview of the cosmos i.e a cosmos that was cohesive precisely because it was formulated by religion, its doctrines and practices.⁵ In this context, a secular age is, "when self-sufficing humanism becomes a widely available option, which it never was in the ancient world, where only a small minority of the élite which was itself a minority espoused it."⁶

In light of Taylor's comments, our cosmos today is created by technological advancement, celebrity culture, corporatism and "managerialism"⁷ that in some respects, replace the worldview offered by religion and hinder an individual's personal connection with his/her self. Here, our human rights culture empowers human beings to pursue their claims as *prima facie* rational agents that deserve to enhance their dignity in accordance with whatever social and moral vision they follow. Rights, therefore, become tools by which human beings can negotiate their immoral desires rather than acting as foundational moral codes. This is because "modernity does not just enthrone the individual. It is the epoch of the free reign of will and its darker companion – desire."⁸

⁵ Ibid, pp. 299 - 322.

⁶ Ibid, p. 19.

⁷ A term extensively used by Richard Roberts to denote the manipulation and imposition by human resources management on the self. See: Roberts, Richard., *Religion, Theology and the Human Sciences* (Cambridge: Cambridge University Press, 2002) as well as his recent article, 'Contemplation and the 'Performative Absolute': Submission and Identity in Managerial Modernity', *Journal of Management, Spirituality & Religion*, 9:1 (2012), pp. 9-29.

⁸ Douzinas, Costas., *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Abingdon: Routledge-Cavendish, 2007), p. 34.

Desire in itself is not a negative quality in a human being but rather if it is not nurtured or guided, it can bring out the worst qualities in human beings; instead of positive desires like yearning for excellence or harmony, baser desires such as greed and domination can drive human identities.⁹ The fundamental aim of human rights is to remind human beings of their natural moral bonds with each other. However, in our current climate, human rights can be regarded as a garb for both individuals and states to terrorise others in order to advance personal and political agendas.¹⁰ Moreover, they reverse the purpose of human rights from restraining individuals to giving them the power to promote their rights. Human rights then become independent claims of human beings which can rise above legal systems, Muslim or Western.

My question, which runs throughout this thesis, is how can any human rights be protected and implemented correctly when human beings do not understand the source of their rights and the manner in which to use them? How can any legal system nurture or control an individual that decides to subvert the state by initiating violence against innocent human beings? What happens when a state unilaterally invades a country to promote human rights – what mechanism is able to nurture a greater self-awareness in those leaders so that human rights are used ethically? All of these questions are significant because the answer lies in tackling the root notion of the self. I believe the task should be to create a practical framework for the self which allows human beings to understand their own nature and the rights-claims which they intend to advance better. By accomplishing this, human beings would be able to evaluate what kind of moral codes they wish to live by, how they form real identities driven by a vision of transcendence and a deeper understanding of where human rights come from and how they should be implemented. Previously this connection was offered by religions such as Islām, Judaism and Christianity in providing a salvational God-centric worldview but in our arguably human-centric world, who and what offer this connection? This question is significant because we are witnessing a trend towards “believing without belonging”¹¹ and a shift from organised religion to “spiritualities of life.”¹²

⁹ For discussion on different forms of desires including ill-informed desires, irrational desires, base desires, poorly cultivated desires, pointless desires, artificially aroused desires, and the desire to be badly off, see: Heathwood, Chris., ‘The Problem of Defective Desires’, *Australasian Journal of Philosophy*, Vol. 83, No. 4 (Dec 2005), pp. 487 – 504.

¹⁰ See Douzinas: *Human Rights and Empire*, pp. 51 – 90.

¹¹ See: Davie, Grace., *Religion in Britain Since 1945: Believing Without Belonging* (Oxford: Wiley-Blackwell, 1994).

¹² See: Heelas, Paul., *Spiritualities of Life: New Age Romanticism and Consumptive Capitalism* (Oxford: Wiley-Blackwell, 2008).

This is in addition to the apparent duality between religions and non-religious worldviews such as ‘Islām’ and ‘the West.’ These worldviews are pitted against each other in order to create a dichotomy between Muslims and non-Muslims as well as a barrier against the creative amalgamation of Islamic and Western ideas. Anver Emon has commented on this dichotomy arguing,

“Well before the onset of the twenty-first century, academic and popular debates have either implicitly or explicitly positioned Muslims, Islām, and Islamic law as the paradigmatic “Other” to be managed and regulated through policies of multicultural and human rights. This is especially the case in societies identified by such labels as western, liberal, democratic, or some combination thereof.”¹³

This above attitude has resulted in an aggressive discourse between some Muslim and non-Muslims scholars on the issue of human rights which is seen as non-existent or minimal within the Islamic tradition but firmly present and successful within the Western philosophical tradition.¹⁴ This kind of discourse is an oppositional one which does not eradicate misconceptions in both Islamic and Western understandings of human rights and moreover, restricts the discourse to law and politics.

What I aim to do in this thesis is to break this oppositional discourse and attempt to provide an answer as to what the “telos, a sanctified notion of humanity’s potential” could be for human beings using key scholars from Shī‘ī-Islām and the Western philosophical tradition – namely, ‘Alī b. Abī Ṭālib, Zayn al-‘Ābidīn, Søren Kierkegaard and Immanuel Kant. I believe this *telos* lies in constructing a practical framework for the self that attaches a different set of rights to it by first conceiving of the self as an identifiable and observable entity in everyday affairs and secondly, to attach a unique set of rights to one’s biological organs that impose duties on the self. This interaction between one’s biological organs and the self enable greater self-awareness and a constant evaluation of how rights are implemented in the world. For example, my hand has a right over me in order that I do not terrorise and correspondingly, I owe a duty to my hand to use it peacefully. This highly personalised relationship between rights and

¹³ Emon, Anver M., *Religious Pluralism and Islamic Law: Dhimmis and Others in the Empire of Law* (Oxford: Oxford University Press, 2012), p. 1

¹⁴ For a thorough analysis of these attitudes, see Sachedina, Abdulaziz., “The Clash of Universalisms: Religious and Secular in Human Rights”, *The Hedgehog Review* 9, no.3 (2007), pp. 49 – 62.

biological organs has not been explored as a potential framework by which to shift the Islamic-Western human discourse from a social contract perspective of rights to one that is rooted in a kind of a personal contract, the latter of which I term as the ‘Internal Human Contract.’ By setting the Islamic-Western human rights discourse as the overarching context for this thesis, I can carve out a role for the self in the understanding and implementation of rights, amalgamate law with ethics, philosophy, metaphysics and theology and construct a harmonised and universal approach to rights that is rooted in the entity of the self.

I aim to accomplish this by ‘upbuilding’¹⁵ ideas present within four texts that stem from the Shī‘ī-Muslim and Western philosophical tradition. These are *Nahj al-Balāgha* (Peak of Eloquence), which contains the sermons, letters and sayings of the first Shī‘ī Imām and cousin and son-in-law of Prophet Muḥammad, ‘Alī b. Abī Ṭālib; *Risālat al-Ḥuqūq* (Treatise of Rights) by Zayn al-‘Ābidīn, the fourth Shī‘ī Imām and great grandson of Prophet Muḥammad; *Eighteen Upbuilding Discourses* by the Danish philosopher, Søren Kierkegaard and finally, *The Metaphysics of Morals* by the German philosopher, Immanuel Kant. ‘Alī b. Abī Ṭālib and Zayn al-‘Ābidīn were Muslims, specifically Imāms (leaders), who are associated with the Shī‘ī-Muslim tradition which emphasises the explicit nomination of ‘Alī b. Abī Ṭālib by Prophet Muḥammad as his rightful successor at *Ghadīr al-Khumm* (pond of Khumm) in 10/632. His teachings form the bedrock of Shi‘ism today, which the remaining eleven Shī‘ī Imāms followed, including Zayn al-‘Ābidīn.¹⁶ Kierkegaard originated from the Christian tradition and the influence of the religion on his philosophical ideas is significantly observable in his works, particularly in *Eighteen Upbuilding Discourses*.¹⁷ Kant also originated from a Christian

¹⁵ ‘Upbuilding’ is a term often associated with Kierkegaard to denote the capacity and authority of the reader to reflect on a piece of writing in order to transform his/her existence and creatively construct ideas. See: Kierkegaard, Søren., *Eighteen Upbuilding Discourses* (trans. Hong, Edna and Hong, Howard) (Princeton: Princeton University Press, 1990).

¹⁶ For a concise summary of the doctrines and teachings of Shi‘ism, see Shomali, Mohammed., *Shī‘ī Islām: Origins, Faith and Practices* (London: ICAS Press, 2003) and Tabatabāī, Mohammed., *Shī‘īte Islām*. (State University of New York Press, 1979). For more a detailed investigation of its history and practices, see: Halm, Heinz., *Shi‘ism* (Edinburgh: Edinburgh University Press, 2004). And, for a specific analysis of the formation of Shi‘ism within the context of *aḥādīth* (narrations), see: Newman, Andrew J., *The Formative Period of Twelver Shi‘ism: ḥadīth as a Discourse between Qum and Baghdad* (Taylor & Francis Group, 2010).

¹⁷ For an analysis of how Kierkegaard uses and reinterprets Christian doctrines, see Moore, Charles E., *Provocations: Spiritual Writings of Kierkegaard* (Farmington: Plough Publishing House, 2007), Podmore, Simon D., ‘Kierkegaard as Physician of the Soul: On Self-Forgiveness and Despair’, *Journal of Psychology and Theology* 37, no.3 (2009), pp. 174 – 185 and Heineken, Martin J., ‘Kierkegaard as Christian’, *Journal of Religion* 37, no. 1 (Jan. 1957), pp. 20 – 30.

background and despite reinterpreting and perhaps setting aside Christian doctrines in his works, it can be argued the religion had a distinct impact on his thought-processes.¹⁸

The value of the aforementioned texts is that they contain the seeds for the ideas which I wish to amalgamate into a practical framework for the self within the context of human rights. There is a great likeness of ideas within these four texts which merits comparison, despite them being written from different religious backgrounds and time periods. The key points of comparison are the nature and role of the self in ethical dilemmas in the texts of Eighteen Upbuilding Discourses and Nahj al-Balāgha and the framework given to the self by Kant and Zayn al-‘Ābidīn in *The Metaphysics of Morals* and *Risālat al-Ḥuqūq* respectively. By comparing the first two texts by Kierkegaard and ‘Alī b. Abī Ṭālib together, I will arrive at a foundational understanding of what the self is and how it can be regarded as a practical entity and not just a metaphysical one. With that understanding I can proceed to apply the framework initiated by Kant and Zayn al-‘Ābidīn where they attach rights to the self through a person’s biological organs or formulate duties to curtail baser biological desires such as avarice and lust. When these ideas are combined, a practical framework can be constructed for the self in the Islamic-Western human rights discourse.

The secondary aims of the thesis are accomplished by the comparative examination above. They are to bring the intellectual ideas in Shī‘ī-Islām and Western philosophy closer together using the aforementioned four texts. In addition to this, the thesis aims to give importance to the four texts which have arguably been understudied in both Islamic and Western scholarship, particularly within the context of human rights. The use of the four texts to upbuild philosophical concepts would further show the creative potential of the Islamic tradition to not only evaluate its position within the field of human rights but also the approach of the Western philosophical tradition towards human rights. Here, Islām’s intellectual ideas would be presented in a universal capacity with the capability

¹⁸ For an analysis of Christian influences on Kant’s philosophy, see: Benner, Drayton C., ‘Immanuel Kant’s Demythologization of Christian Theories of Atonement in Religion within the Limits of Reason Alone’, *Evangelical Quarterly* 79, no. 2 (April, 2007), pp. 99-111 and Garrett, Green., ‘Kant as Christian Apologist: The Failure of Accommodationist Theology’, *Pro Ecclesia* 4, no. 3 (1995), p. 302. There is also a useful set of lectures by Onora O’Neill entitled, ‘Kant on Reason and Religion’, published as part of the Tanner Lectures on Human Values 1995-6 by the University of Utah. See: <http://tannerlectures.utah.edu/lectures/documents/oneill97.pdf> (Accessed 22nd December 2012). Finally, for analysis on the similarities and differences between Kierkegaard and Kant themselves (which is not the subject of this thesis), see Williams, Marc., ‘Kant and Kierkegaard on Faith: In Service to Morality and a Leap for the Absurd’, *Logos* 2, no. 1 (Fall 2004), pp. 82 - 97 and Green, Ronald., *Kierkegaard and Kant: the Hidden Debt* (Albany: New York, 1992).

of working in conjunction with the Western philosophical tradition. Finally, there are further implications that one can draw from the framework that I have constructed in chapter four for the areas of international law, bioethics and education but these will be commented upon in my conclusion.

2. Structure and Methodology of the Thesis

The key objective of this thesis is to explore the role of the self in the Islamic-Western human rights discourse through a comparative examination of Shī‘ī-Muslim and Western philosophical texts, as stated above. In order to accomplish this, this introduction will give an outline of the historical background, authenticity and key features of the four texts I am using, their points of comparison and the main ideas which I intend to use to construct a practical framework for the self. In chapter one, I will examine the nature of the Islamic-Western human rights discourse by analysing the arguments of contemporary scholarly voices who have attempted to unravel the points of tension between the two worldviews. Here, I will tackle the current approaches used to view human rights by key Muslim scholars which consists of the dialogue, spiritual, legal and jurisprudential perspectives. I will then argue why I believe these perspectives are limited and proceed to carve out a role for the self in this discourse by showing what the self could potentially contribute to the nature and implementation of human rights. This will provide a necessary context for chapter two where I begin my comparative examination of Shī‘ī-Muslim and Western philosophical texts.

Chapter two is devoted to comparing the nature and role of the self in spiritual and ethical dilemmas as understood by Kierkegaard in *Eighteen Upbuilding Discourses* and ‘Alī b. Abī Ṭālib in *Nahj al-Balāgha*. I will analyse how both authors conceive of the self as not just a metaphysical and spiritual entity but one that is necessary for resolving personal ethical dilemmas. The transition they make is crucial for my thesis because it demonstrates that the self can be looked at practically and therefore offers the first window by which we can regard the self as relevant in our worldly affairs and situations. This will provide me with a foundational understanding of the self and a way in which the self can be contextualised within human rights situations.

In chapter three, I engage in a comparative analysis of *The Metaphysics of Morals* and *Risālat al-Ḥuqūq*. Having understood what the self is in chapter two, it is necessary to

see how Kant and Zayn al-‘Ābidīn provide a framework to the self by attaching certain rights to it which are related to a person’s biological organs or at the least, biological desires. The value of both authors is that they look at the self within the discipline of law and practical ethics. This is important for me because it gives me the next window by which the self could potentially operate within the domain of law and thereby within the scope of human rights. Chapters two and three, therefore, provide the theoretical foundations of the thesis.

In chapter four, I combine the ideas which I extracted in chapters two and three and systematise them in a practical framework for the self, which I have named as the ‘Internal Human Contract.’ The Internal Human Contract is a framework that uses the definitions of the self in Eighteen Upbuilding Discourses and Nahj al-Balāgha and the concept of attaching rights to the self from The Metaphysics of Morals and Risālat al-Ḥuqūq. The end result is a mechanism by which a human being can engage with his/her self through his/her biological organs and develop a greater awareness of how to behave and implement rights. Chapter four therefore substantiates the potential of my four chosen texts to offer universal ideas that can break the oppositional discourse between Islām and the West and harmonise some of the intellectual ideas within Shī‘ī-Islām and Western philosophy. My conclusion will summarise my key arguments as well as introduce some potential offshoot strands of research that can be pursued after this thesis.

Therefore, the four chapters directly correlate with my thesis title which is to explore the role of the self in the Islamic-Western human rights discourse using key texts from the Shī‘ī-Muslim and Western philosophical tradition. The four texts provide the cornerstone of this thesis and that is why I am also using a seminary (*hawza*) mode of analysis in my arguments. Muslim and Christian seminaries both consider the usage and analysis of texts and words as central to conceptual development and this tradition has continued till the present in seminaries throughout the world.¹⁹ This is particularly the case in the Shī‘ī-Muslim tradition where many years are spent studying classical texts by

¹⁹ For the history and philosophy of Christian education, see Anthony, Michael J & Benson, Warren S., *Exploring the History & Philosophy of Christian Education: Principles for the 21st Century* (Michigan: Kregel Publications, 2003) and Astley, Jeff., *The Philosophy of Christian Religious Education* (Birmingham, Alabama: Religious Education Press, 1994). For a specific re-evaluation of Christian seminary education, see Calian, Carnegie Samuel., *The Ideal Seminary: Pursuing Excellence in Theological Education* (Kentucky: John Knox Press, 2002) and Warford, Malcolm L (ed.), *Revitalizing Practice: Collaborative Models for Theological Faculties* (New York: Peter Lang Publishing, 2008).

notable scholars to complete the levels of *muqaddamāt* (preliminary stage), *ṣutuḥ* (intermediate stage) and finally, *baḥṭh al-khārij* (final advanced stage) to become a *faqīh* (jurist).²⁰ However, some have argued that despite the value of this approach, it needs to be widened to include newer subjects and a more independent level of analysis that does not always require close recourse to the text.²¹ As such, I am also using Kierkegaard's technique of upbuilding to creatively combine ideas from the texts (while attempting to stay faithful to the authors' understanding of the ideas which I am extracting) and construct my own framework for the self. This could be termed as a "critical caretaker" approach which attempts to remain true to the core notions of the religion whilst trying to critically recontextualise them.²² Thus, both in the substance and style of this thesis, I aim to show how Islamic and Western worldviews can come together in a positive spirit when thinking about the self and human rights.²³ I will now define and outline the

²⁰ For information on the development and nature of the Shī'ī seminary tradition, see: Ende, Werner and Brunner, Rainer., *The Twelver Shī'a in Modern Times* (Leiden: Brill, 2001) and Litvak, Meir., *Shī'ī Scholars of Nineteenth Century Iraq: The Ulama of Najaf and Karbala* (Cambridge: Cambridge University Press, 1998). There are also useful chapters devoted to the educational processes of Shī'ī seminary education – see: Mottahedeh, Roy., 'Traditional Shī'īte Education in Qom' in Rorty, Amelie Oksenberg (ed.), *Philosophers on Education: New Historical Perspectives* (London: Routledge, 1998), pp. 449 – 455., Bahrululoom, Sayyid Fadhlil. 'The Development of Shī'ī Scholarship before and after Mirza Shirza and his Intellectual Legacy in Samarra' in Panjwani, Imranali (ed.), *The Shī'a of Samarra: The Heritage and Politics of a Community in Iraq* (London: I.B Tauris, 2012), pp. 107 - 125 and Browsers, Michaelle & Kurzman, Charles (eds.), *An Islamic Reformation?* (Oxford: Lexington Books, 2003), pp. 79 – 97.

²¹ There have been several suggestions to reform Shī'ī seminaries over the last century with late scholars such as Murtaḍa Mutahhari and Muḥammad Ḥusayn Fadhlullah being vocal about the need for reform. See: Walbridge, Linda S (ed.), *The Most Learned of the Shī'a: The Institution of the Marja Taqlid* (Oxford: Oxford University Press, 2001), pp. 161 – 183 and pp. 205 – 16 and Moussavi, Ahmed Kazemi., *Religious Authority in Shi'ite Islam – from the Office of Mufti to the Institution of Marja'* (Kuala Lumpur: International Institute of Islamic Thought and Civilization, 1996). See also the recently funded three-year project entitled, 'Clerical Authority in Shiite Islām: Culture and Learning in the Seminaries of Iraq and Iran' (2009-12) by the British Academy, British Society for Middle East (BRISMES) and British Institute of Persian Studies (BIPS). It is run by Professor Robert Gleave of the University of Exeter and aims to evaluate the history, nature, evolution and challenges of the Shī'ī seminary tradition: <http://www.thehawzaproject.net/> (accessed 22nd December 2012)

²² The term "critical caretaker" was discussed by Atalia Omer as a viable approach in the study of religion. The approach denotes finding a balance where, "the religious scholar must both recognize the thoroughly historical and social characteristics of religion but also acknowledge that it cannot be reduced to this context and history." This avoids an uncritical caretaker approach which involves looking at religion as merely self-evident, only requiring translation and glorified commentary as well as an overly critical approach which deconstructs religion from its core rendering it foundationless. Omer, Atalia, 'Can a Critic Be a Caretaker too? Religion, Conflict, and Conflict Transformation', *Journal of the American Academy of Religion* 79, 2 (2011), pp. 459 - 496 at p. 484.

²³ Interestingly, Durham University held a conference in June 2010 entitled, 'Seminary Education and Ministerial Training: Shī'īte and Christian Perspectives', which has been one of the few academic gatherings that have compared Shī'ī and Christian seminary modes of education. See: <http://www.dur.ac.uk/sgia/past/?eventno=7819> (accessed 22nd December 2012) In terms of books, the series on Catholic-Shi'a engagement is a useful resource that compares the theology, ethics and use of reason in both faiths. See: Mahony, Anthony O', Peterburs, Wulstun & Shomali, Mohammed Ali., *Catholics & Shi'a in Dialogue: Studies in Theology and Spirituality* (Hertfordshire: Melisende, 2004);

various aspects of this thesis which involve the nature of the Islamic-Western human rights discourse and the role of the self within it, personal backgrounds of Kierkegaard, ‘Alī b. Abī Ṭālib, Kant and Zayn al-‘Ābidīn and the comparative value of their texts. This is in order to specifically clarify how I am using the figures and texts in this thesis.

3. The Islamic-Western Human Rights Discourse and the Role of the Self within it

The mention of the term ‘human rights’ evokes several meanings because of the way in which it is conceived and implemented. The rational agency, moral worth, creative potential, natural dignity, contractual obligations and innate commonness of all human beings are amongst the reasons why human beings are entitled to rights. At the same time, human rights need to be enforced and so they become legal and socio-political entities actualised by state machinery. Here, human rights refer to the political aspirations of a government in promoting a particular moral vision, political mobilisation of human beings, citizenship, welfare, rights education, rights claims and ultimately, creating a vision of society in which human beings would be happy to inhabit. This makes the subject of human rights diverse because it relates to law, politics, ethics, sociology, history, philosophy, metaphysics and religion. All of these areas have a relevant voice in the construction of human rights precisely because we are dealing with the very nature and entitlements of human beings.

However, when we mention the phrase, ‘Islamic-Western Human Rights Discourse’, we move from abstractness to concrete ideas about what human rights are in ‘Islām’ and in the ‘West.’ These two notions, often juxtaposed against each other, relate to broad interpretations about rights within their own traditions and in relation to each other. The subject of this thesis is the latter; I am examining how Muslim scholars have responded to the notion of human rights, a predominantly Western term, as well as criticism by Western scholars towards Islām and its scholars about the way in which human rights are regarded. At the same, the West has been criticised by Muslim scholars in the way it has conceived and used human rights. Thus, there is a tension between how Islām and the West deal with human rights situations from their religious, philosophical, legal and political traditions. The mere mention of ‘Islām’ and the ‘West’ throws up

generalisations and misconceptions because we are attempting to confine diverse interpretations in two broad terms. I do not wish to pursue this generalised enquiry but for the sake of brevity, I am using ‘Islamic-Western’ for one reason. There does exist an animosity between the two apparently divided worlds on the issue of human rights (which will be explained in chapter one) and perhaps the only way to unravel the dilemmas that exist is to analyse the very discourse itself which pits two worldviews against each other.

I will tackle this discourse in chapter one but briefly, I aim to explore the role of the self in Islamic-Western human rights discourse as a tool which has the potential to shift the dialogue from one of animosity to constructiveness and secondly, shift the paradigm of human rights in both worldviews. The paradigm of human rights which currently exists in both worldviews is based on viewing rights as legal entities. In Islām, the subject of *uṣūl al-fiqh* (the principles of jurisprudence) is the primary framework in which human rights are currently discussed, at least by Muslim reformist scholars. The rights available to lay Muslims depend on the interpretation of the Qur’ān and *sunnah* (tradition) by jurists (*fuqahā*) through the tool of *ijtihād*.²⁴ These rights are also affected by the political attitudes of a Muslim state. Yet Muslims who live in the West or in secular societies also independently understand and claim their human rights by the mechanisms provided by their government.²⁵ In the West, human rights have originated within the fold of international law and are regarded as legal, moral and political entities that are capable of being interpreted by jurists and lawyers, advanced by politicians and governments and claimed by lay citizens in the areas of free speech, right to privacy, right to life and many more. Despite the difference in the conception of human rights in Islām and the West, the fundamental similarity is in their use of law and politics in which to view human rights, along with philosophical or scriptural argumentation to justify these rights.

²⁴ In Shī‘ī fiqh, Bāqir al-Ṣadr has defined *ijtihād* as: “the effort to derive Islamic laws from their original sources within one’s human comprehension.” Al-Ṣadr, Muḥammad Bāqir., *Durūs Fi ‘Ilm Al-Fiqh*, (Qum: Al-Ghadr, 1995), vol. 1, p.16. For further information on the nature of *ijtihād* from the Shī‘ī perspective, see: Jannati, Muhammad Ibrahim., ‘Ijtihād: It’s Meaning, Sources, Beginnings and the Practice of Ray’, *Al-Tawhid Islamic Journal*, vol.5 no.2 (1987), vol.6 no.1 (1989), vol.7 no.3 (1990) - link: <http://www.al-islam.org/al-tawhid/ijtihad/> (accessed 22nd December 2012) and in a historical context that deals with the Sunni notion of *ijtihād*: Hallaq, Wael., ‘Was the Gate of Ijtihād Closed?’, *International Journal of Middle East Studies*, Vol. 16, No. 1 (Mar., 1984), pp. 3-41.

²⁵ For an analysis of specific cases illustrating how Muslims are claiming their human rights within Europe, see: Cavanaugh, Kathleen., ‘Islām and the European Project’, *Muslim World Journal of Human Rights* 4, 1 (2007), pp. 1 – 20.

In my view, however, human rights are deeper than law. Rights relate to the desires, aspirations and identities of human beings which means the lens in which to view rights must come from a perspective which tackles the very foundation from which rights originate. There is nothing new in this statement because as I have indicated, human rights deal with the nature of human beings. However, the marked difference with this thesis is the explicit use of the self as lens in which to view human rights and more importantly, to explore what it can contribute to the meaning, framework and practical development of rights. The concept of the self as a notion indicating on the very identity and attributes of a human being is often regarded as a philosophical, metaphysical, psychological, religious, theological and spiritual term that does not have practical value in advancing human rights. It does have a value in giving us ideas of where human rights come from but in terms of the implementation of human rights, whether from the Islamic or Western worldview, the self has not been used as a legitimate lens by which human rights can be practically understood.²⁶ ‘Practically’ is a key term in this thesis because I am making a transition from the self as a philosophical concept to a practical one that is capable of offering a useful system to view human rights, just as *uṣūl al-fiqh* or international law are used as a system by which to analyse human rights. Thus, when viewing the Islamic-Western human rights discourse, I am arguing that the concept of the self is capable of reforming the way in which human rights are looked at in both systems, thereby rendering the self as a source of unity and mutual dialogue than opposition. Moreover, the thesis will attempt to lay the seeds for the kind of framework that could be used to implement human rights using the self so that the task of understanding human rights does not remain at the level of dialogue only.

4. The Nature of a Comparative Shī‘ī-Muslim and Western Philosophical Perspective

I have chosen to engage with the Islamic-Western human rights discourse from a comparative Shī‘ī-Muslim and Western philosophical perspective because the texts I have selected have similar ideas that can be compared with each other and used creatively to inform the discourse. I have chosen the term ‘Shī‘ī-Muslim’ to denote the

²⁶ Current research examines the relationship between ‘religion’ and human rights, not the self. See: Kiper, Jordan., ‘Do Human Rights Have Religious Foundations’, *Religion & Human Rights* 7, 2 (2012), pp. 109 – 131; Audi, Robert., ‘Natural Reason, Natural Rights, and Governmental Neutrality Toward Religion’, *Religion & Human Rights* 4, 2 (2009), pp. 157 – 175 and Ghanea, Nazila., Stephens, Alan & Walden, Raphael., *Does God believe in Human Rights* (Leiden: Brill, 2007).

influence of Shi‘ism on the religion and practice of Islām and its potential to interact with the Western philosophical tradition. Being major spiritual and scholastic figures, ‘Alī b. Abī Ṭālib and Zayn al-‘Ābidīn give us a firm insight into the Shī‘ī intellectual tradition through their ideas. Likewise, I have chosen the term ‘Western philosophical’ to denote the intellectual ideas through Kierkegaard and Kant (who both resided in Europe) whose works can be compared with the thoughts of ‘Alī b. Abī Ṭālib and Zayn al-‘Ābidīn.

There is also an underlying religious worldview which permeates the texts’ intellectual themes with ‘Alī b. Abī Ṭālib and Zayn al-‘Ābidīn writing within the Muslim worldview which regards the Qur’an and the figure of Prophet Muhammad as foundational in analysing the God-human relationship; Kierkegaard and Kant stem from a Christian background which holds the Bible and the figure of Jesus as central in the God-human relationship but both figures radically reinterpret what Christianity means to them in their own unique ways (with Kant relegating it outside of the domain of philosophy), which I will make reference to throughout the thesis. Islām and Christianity are fundamentally united as Abrahamic religions that historically can be traced back to Prophet Ibrahīm (Abraham). Ibrahīm, a monotheist, connects the two religions as the belief in One God is foundational to both them (though the Christian doctrine of the Trinity is a variation of the concept of Oneness espoused in Islām).²⁷ Ibrahīm was the father of Prophet Ismāīl (Ishmael) and Prophet Ishāq (Isaac); Prophet Muḥammad and Prophet ‘Īsa (Jesus Christ) were descendants of Ismāīl and Ishāq respectively, which means that Muḥammad and Jesus were distant cousins from the same biological and monotheistic lineage.²⁸ In both religions, revelation plays the central role of moral, social and legislative guidance for believers. Muslims argue the Qur’ān is the unaltered word of Allah revealed to Prophet Muḥammad over a period of 23 years; Christians argue the Bible is the central scripture of guidance for them. Prophetic teachings are also an importance source of guidance. In Islām, this is known as the *sunnah* (tradition) where the authenticated sayings (*aqwāl*), actions (*afāl*) and tacit approval (*taqrīr*) of Prophet Muḥammad and the Twelve Imāms have probative and legal force (in Sunni Islām, Prophet Muḥammad’s companions, Abu Bakr, ‘Umar, Uthmān as well as ‘Alī b.

²⁷ For a comparative analysis of monotheism in both faiths, see the conference compilation: Kochler, Hans (ed.), *The Concept of Monotheism in Islām and Christianity* (Austria: Wilhelm Braumuller, 1982).

²⁸ For an examination of the historical relationship between Muḥammad and Christ, see: Robinson, Neal., *Christ in Islām and Christianity* (Albany: State University of New York Press, 1991).

Abī Ṭālib have legal authority). In Christianity, the sayings and conduct of Jesus are regarded as the most important source of guidance after the Bible. Finally, the concept of the soul in both religions plays a vital role in the creation of human beings. Human beings are meant to cultivate their souls to become spiritually pure servants of God. Islām and Christianity, therefore, have core points of comparison which have been key influences for the four figures and permeate their work.²⁹

What is also important is that just as Islām has impacted the world through its religious ideas and intellectual contributions, so has Christianity.³⁰ It is not the task of this thesis to recount the historical impact of both traditions but rather to see how key texts within both histories have the capability of providing a mutual source of dialogue and intellectual creativity in Islamic-Western human rights discourse. This will help to highlight the commonness of intellectual ideas present in Shī‘ī-Islām and the Western philosophical tradition rather than using a doctrinal approach which perhaps presents scripture and theology as the first lens by which to view the two traditions.³¹ I have chosen not to do this because I believe scripture and theology immediately constrain the two traditions within a set of doctrines that define their role in society for a particular group of people i.e Muslims or Christians. Rather, the philosophical ideas advanced by major figures within Shī‘ī-Islām and Western philosophy show what the two traditions are capable of contributing to members outside of their belief systems and to the world

²⁹ For a critical and comparative study of the theological doctrines of Islām and Christianity, see: Sweetman, James W., *Islām and Christian Theology: A Study of the Interpretation of Theological Ideas in the Two Religions – Part II, Volume 2* (Cambridge: James Clarke, 2002).

³⁰ For an analysis of Islām and Christianity’s impact on western civilization, see: Neusner, Jacob (ed.), *Religious Foundations of Western Civilization: Judaism, Christianity and Islām* (Nashville: Abingdon Press, 2006); the huge four volume set by Thomas, David & Mallett, Alex (eds.), *Christian-Muslim Relations – A Bibliographical History* (Leiden: Brill, 2009 - 2012) deals with the historical relationship of the two religions and their impact on civilization and for a specific study within the context of scholasticism, see: Makdisi, George., *The Rise of Humanism in Classical Islām and the Christian West with special reference to scholasticism* (Edinburgh: Edinburgh University Press, 1990).

³¹ There are already several works which compare Islām and Christianity from a theological perspective. See: Renard, John., *Islām and Christianity: Theological Themes in Comparative Perspective* (California: University of California Press, 2011) and Zinner, Samuel., *Christianity and Islām: Essays on Ontology and Archetype* (London: The Matheson Trust, 2010). In addition, there are those books which focus on both traditions’ potential for dialogue with each other. See: Smith, Jane I., *Muslims, Christians, and the Challenge of Interfaith Dialogue* (Oxford: Oxford University Press, 2007) and MacKenzie, Don., Falcon, Ted and Rahmān, Jamal. *Getting to the Heart of Interfaith: The Eye-Opening, Hope-Filled Friendship of a Pastor, Rabbi and Sheikh*. (Woodstock: Skylight Paths Publishing, 2009).

as a whole. This goes beyond a comparative exploration and emphasises the value of a creative exploration using key texts within the two intellectual traditions.³²

5. The Background of my Chosen Figures

Before deliberating on why I have chosen to compare the aforementioned texts and their points of intersection, it is important to give a brief background to the lives of these figures. The purpose here is not biographical; it is to highlight those aspects of their lives which justify my comparative approach in this thesis. Differences are obvious – both in terms of the religions they held, the statuses they acquired in society as Imams or philosophers, time periods they lived in, audiences they appealed to and how they lived their personal lives but in amongst all of these areas, their similar concerns on the self, the nature of religion, what morality is and how it should be implemented, bring the lives of these four figures closer together. My methodology in this thesis involves comparing ‘Alī b. Abī Ṭālib with Kierkegaard and Zayn al-‘Ābidīn with Kant because in each comparison, the two figures have focused on similar ideas in their texts. It is common to take the route of comparing a Muslim philosopher (such as Mulla Ṣadra or al-Ghazālī) with a Western philosopher (such as Hegel or Heidegger) and scholars may criticise my choice of comparing Shī‘ī Imams with Western philosophers. In my view, however, this does not pose too much of a problem since I am comparing the texts of the Imams with the texts of Western philosophers – research of which is rare or non-existent.³³ This is a text-based thesis and so the similarities in the ideas of both sets of

³² There is already notable research in the area of comparing Islām and Christianity and this thesis does not aim to repeat this work. Ian Netton has written a valuable work on the comparative nature of Islām and Christianity entitled, *Islām, Christianity and Tradition: A Comparative Exploration* (Edinburgh: Edinburgh University Press, 2006) and more recently, *Islām, Christianity and the Mystic Journey: A Comparative Exploration* (Edinburgh: Edinburgh University Press, 2011). There are also works which compare specific issues between the two religions. See: Ipgrave, Michael., *Justice & Rights: Christian and Muslim Perspectives* (Washington: Georgetown University Press, 2009)., Aslan, Adnan., *Religious Pluralism in Christian and Islamic Philosophy: The Thought of John Hick and Seyyed Hossein Nasr* (London: Routledge, 1998) and Woodberry, J. Dudley., Zumrut, Osman & Koylu, Mustafa., *Muslim and Christian Reflections on Peace: Divine and Human Dimensions* (Maryland: University Press of America, 2005).

³³ At present, there is little or no comparison of the Twelve Shī‘ī Imāms to Western philosophical figures such as Kant or Kierkegaard in Western academic literature. By the Twelve Shī‘ī Imāms, I do not mean Twelver Imāmi thought, which is essentially the work of Shī‘ī scholars from the post-ghayba period (10th – 11th centuries) and beyond. One of the recent works in this field is Bayhom-Daou, Tamima., *Shaykh Muḥid* (London: Oneworld, 2005). The Ṣadra Islamic Philosophy Research Institute (SIPRI) has also produced volume 3 on ‘*Mulla Ṣadra and Comparative Studies*’ (Tehran, 2002) which includes numerous conference papers comparing the thought of Mulla Ṣadra, the 17th Shī‘ī philosopher, to Heidegger, Leibniz, Kant and Whitehead. Moreover, I am not referring to the history and theology of the Shī‘ī school of thought which has been covered by authors such as Wilfred Madelung, Etan Kholberg and Moojan Momen. I am specifically referring to the teachings

texts are the crucial point of comparison. Moreover, our conception of ‘Alī b. Abī Ṭālib or Zayn al-‘Ābidīn as Imams in a spiritual rather than scholastic sense depends on our perception of history and what their roles were.³⁴ The same applies to Kierkegaard and Kant who although are predominantly regarded as philosophers also have a place within Christian scholarship as reinterpreting Christian doctrines and contextualising them within moral philosophy.³⁵ What I wish to do in this section is to simply show how the personal lives of these four figures can be brought closer together which offers a meaningful worldview by which a productive analysis of their texts can then take place.

5.1. ‘Alī b. Abī Ṭālib and Kierkegaard

‘Alī b. Abī Ṭālib (24 b.h/600 – 40/661) was the first Shī‘ī Imām, 4th Rightly-Guided Muslim Caliph, cousin of Prophet Muḥammad and his son-in-law, having married the Prophet’s daughter, Lady Fāṭimah al-Zahrā (d. 11/632). He carries great spiritual significance for Shī‘ī Muslims and Sufis and is also respected by Sunni Muslims, particularly as he is a member of the *Ahl al-Bayt* (people of the house).³⁶ It is perhaps easy to view ‘Alī b. Abī Ṭālib as a holy figure only relevant to Muslims rather than as an intellectual personality. However, his collection of sermons, sayings and letters in *Nahj al-Balāgha* show knowledge of law, ethics, scriptural hermeneutics, theology, metaphysics, philosophy and political philosophy. Whilst these areas may have been

and works of the Twelve Imāms themselves and their contribution to knowledge and society. For example, despite the vastness of *History of Islamic Philosophy* by Seyyed Hossein Nasr and Oliver Leaman (London: Routledge, 2003), only half a page is dedicated on p. 122 to the Shī‘ī Imāms’ contribution to philosophy. For recent contributions in the field of the teachings of the Twelve Imāms, see Lalani, Arzina., *Early Shī‘ī Thought: The Teachings of Imām Muḥammad al-Bāqir* (London: I.B Tauris, 2004), Shah-Kazemi, Reza., *Justice and Remembrance: Introducing the Spirituality of Imām Ali* (London: I.B Tauris, 2007) and Fatemi, Seyed Mohammed Ghari., ‘Autonomy, Euthanasia and the Right to Die with Dignity: A Comparison of Kantian Ethics and Shi‘ite Teachings’, *Islām & Christian Relations* 18, 3 (2007), pp. 345 – 53, which deals with rights discourse and human dignity in Shī‘ī and Kantian thought.

³⁴ For an evaluation of how the Shī‘ī Imams were conceived by their followers, see: Modarressi, Hossein., *Crisis and Consolidation in the Formative Period of Shi‘ite Islam: Abū Ja‘far b. Qiba al-Razi and his Contribution to Imamite Shi‘ite Thought* (Princeton: Darwin Press, Inc., 1993). I have also dealt with how Shī‘ī and wider Muslim scholarship conceive of the Twelve Shī‘ī Imāms, particularly the tenth to twelfth Shī‘ī Imāms, in my article: ‘The Compartmentalisation of Holy Figures: A Case Study on the Heritage of the Samarran Shī‘ī Imams’, *World Journal of Islamic History and Civilization*, vol. 1 (1) (2011), pp. 15-26.

³⁵ See footnotes 17 and 18.

³⁶ For biographical information on ‘Alī b. Abī Ṭālib, see: al-Mufīd, Muḥammad b. Muḥammad b. al-Nu‘man, *Kitāb al-Irshād - The Book of Guidance*. Translated by Ian K. Howard (London: Muḥammadi Trust, 1981), pp. 1 - 267; Modarressi, Hossein., *Tradition and Survival: A Bibliographical Survey of Early Shi‘ite Literature – Volume 1* (Oxford: Oneworld, 2003), pp. 2 – 17 and Jordac, George., *The Voice of Human Justice* (Scandinavia: Meraj Educational Publishers & Book Distributors, 2009).

understood in a more holistic capacity rather than as separate scientific disciplines, they nonetheless show that a so-called Imām is capable of having some relevance in wider scholarship. Certainly within the Shī‘ī worldview, the Twelve Imāms are not just regarded as spiritual guides but scholars as well and they cannot fulfil the function of an Imām without having *taqwā* (God-consciousness) and *‘ilm* (knowledge).³⁷

Edward Gibbon (1737 – 1794) has commented on ‘Alī b. Abī Ṭālib’s multi-faceted personality stating,

“The zeal and virtue of Ali were never outstripped by any recent proselyte. He united the qualifications of a poet, a soldier, and a saint; his wisdom still breathes in a collection of moral and religious sayings; and every antagonist, in the combats of the tongue or of the sword, was subdued by his eloquence and valour. From the first hour of his mission to the last rites of his funeral, the apostle was never forsaken by a generous friend, whom he delighted to name his brother, his vicegerent, and the faithful Aaron of a second Moses.”³⁸

More recently, Reza Shah-Kazemi has commented,

“Our principal way of investigating and meditating upon the spirituality of Imām ‘Ali is to consider the corpus of teachings attributed to him...no other companion of the Prophet has anything approaching the corpus attributed to ‘Ali. Similarly, even if his foundational role in the development of a whole range of sciences be debatable – sciences such as jurisprudence (*fiqh*), theology (*kalām*), Qur’ānic exegesis (*tafsīr*), rhetoric (*balāgha*), grammar (*naḥw*) and calligraphy (*khatt*), the mystical knowledge associated with Sufism, as well as such arcane sciences as numerology (*jafr*) and

³⁷ For a discussion on the qualifications required to be an Imām, see: Momen, Moojan., *An Introduction to Shī‘ī Islām: The History and Doctrines of Twelver Shi‘ism* (Connecticut: Yale University Press, 1985), pp. 147 – 161; for a more esoteric analysis, see: Amir-Moezzi, Mohammed Ali., *The Spirituality of Shī‘ī Islām – Beliefs and Practices* (London: I.B Tauris, 2011) and Yasrebi, S. Y., ‘Philosophy of the Imāmat according to Mulla Ṣadra: An Analysis of the Personality and Attributes of the Imām in Light of the Transcendental Philosophy’, *Journal of Shī‘a Islamic Studies* 1, 1 (2008), pp. 29 – 56.

³⁸ Gibbon, Edward., *The Decline and Fall of the Roman Empire* (London: Dent, 1911), volume 5, pp. 381-2. Similarly, Henry Stubbe has also spoken about ‘Alī b. Abī Ṭālib’s diverse qualities, “...he had a contempt of the world, its glory and pomp, he feared God much, gave many alms, was just in all his actions, humble and affable; of an exceeding quick wit and of an ingenuity that was not common, he was exceedingly learned, not in those sciences that terminate in speculations but those which extend to practice”, Stubbe, Henry., *An Account of the Rise and Progress of Mahometanism*, (London: Luzac & Co, 1911), p. 77 – 78.

alchemy (*al-kīmīya*) – the fact that he is considered by later authorities in these fields as having provided the initial impetus for their sciences bespeaks the far-reaching and penetrating influence of both his formal teachings and personal radiance.”³⁹

The aforementioned interpretations of ‘Alī b. Abī Ṭālib enable us to use him as an intellectual personality for the purposes of this thesis. Gibbon’s understanding of ‘Alī b. Abī Ṭālib as a diverse personality possessing traits of both a soldier and poet with the eloquence to express his thoughts allows me to tap into the scholarly aspect of his personality. This is substantiated by Shah-Kazemi’s specific analysis of ‘Alī b. Abī Ṭālib’s knowledge which ranges from jurisprudence to mystical knowledge. However we may wish to categorise or authenticate this knowledge, ‘Alī b. Abī Ṭālib has inspired later scholars such as ‘*urafā*’ (mystics) and Sufis to develop ‘*ilm al-‘irfān*’ (the science of gnosis).⁴⁰ Moreover, there is a distinct corpus of his teachings which delve into the nature of the self and as per Shah-Kazemi, the overall corpus of teachings attributed to ‘Alī b. Abī Ṭālib is unique to him; it is not matched by any other companion of Prophet Muḥammad.⁴¹ Thus, ‘Alī b. Abī Ṭālib holds a privileged position within Islamic scholarship; Prophet Muḥammad is reported to have famously said, “I am the city of knowledge and ‘Alī is its gate.”⁴² This makes him crucially relevant as a scholarly personality and specifically as a figure that can contribute to our understanding of the self from the Islamic tradition.

³⁹ Shah-Kazemi, Reza., *Justice and Remembrance – Introducing the Spirituality of Imām ‘Alī* (London: I.B Tauris, 2007), p. 12.

⁴⁰ For a detailed exposition of the relationship between Ali b Abī Ṭālib and Sufism, see Caner K Dagli, “Ali bin Abī Ṭālib and Sufism” (Tehran: Šadra Islamic Philosophy Research Institute, 2006) http://www.mullaSadra.org/new_site/english/Paper%20Bank/Gnosis/Caner%20K_Dagli.htm#_ednref_2 (accessed 13th December 2012). Reza Shah-Kazemi also makes explicit reference to this relationship in his article entitled “‘Alī b. Abī Ṭālib” in Meri, Josef M. (ed), *Medieval Islamic Civilization, An Encyclopaedia*, (New York-London: Routledge, 2006), volume II, pp. 36-37 and see: Murtaḍa., *Understanding Islamic Sciences* (London: ICAS Press, 2002), p. 101.

⁴¹ See: Tamīmi, Abdallah b. Muḥammad. *Ghurar al-Ḥikam wa Durar al-Kalim* (Qum: Islamic Studies and Research Centre:, 1987); Ashūb, Ibn Shahr., *Al-Manāqib Al Abī Ṭālib* (Najaf, 1956); Al-Harrani, Abū Muḥammad al-Ḥasan b. Ali b. al-Ḥusayn b. Shu’ba. *Tuḥāf al-Uqul (The Masterpieces of the Intellects)*. Translated by Badr Shahin (Qum: Ansariyan Publications, 2001) and Rayshahri, M Muḥammadi., *The Scale of Wisdom: A Compendium of Shī’a ḥadīth* (London: ICAS Press, 2009).

⁴² Al-Tūsi, Abū Ja’far Muḥammad b. Ḥasan., *Amālī al-Tūsi* (Qum: Dar al-Ṭāqafah, 1994), p. 558 and al-’Āmilī, Al-Ḥurr., *Wasāil al-Shī’a* (Qum: Ahlulbayt Institute. 1989), vol 27, p. 34. See also al-Majlisī, Muḥammad Bāqir., *Biḥār al-Anwār*, (Beirut, Lebanon: Dar al-Ta’aruf, 1983, 1983), vol 99, p. 106, al-Nisāpūri, Abdullah al-Ḥakim., *Al-Mustadrak ‘al al-Sahihayn*, (Beirut, Lebanon: Dar al-Ta’aruf, 1983), vol 3, pp. 126–7 and ibn Kathīr, Ismaīl., *Al Bidayah wa al Nihayah*, (Beirut, Lebanon: Dar al-Ta’aruf, 1993), vol 7, pp. 358–359.

Using the aforementioned lens, I will be able to compare him to Kierkegaard who was not regarded as a prophet or saint (and did not wish to be referred to in this way) but is viewed as both a pioneering philosopher and a spiritual figure.⁴³ Born in 1813 in Copenhagen and dying in 1855, Kierkegaard lived a relatively short life which was filled with poignant moments – losing five of his siblings, building a close relationship with his father and a romantic engagement with Regina Olsen (which eventually broke). All of these deepened Kierkegaard's reflection of his own being, his view of God, sin, society and Christianity.⁴⁴ Despite writing under various alter-egos, Kierkegaard's reflections are deeply personal and combine philosophy, religion and spirituality which give broadness to his scholarship. Akin to the multi-faceted approach of 'Alī b. Abī Ṭālib, it is precisely the philosophical and spiritual aspects of Kierkegaard's life that provide the point of comparison for this thesis. Both personalities articulated their thoughts on hope, despair, struggle, worldly attachments, justice, injustice, God, religion, society and eternal happiness. Their thoughts were a reflection of their own experiences and attempted to tap into the feelings and consciences of the masses; Kierkegaard was dismayed at the formalism of the church which harmed the essence of Christianity in Denmark,

“We have what one might call a complete inventory of churches, bells, organs, benches, alms-boxes, foot-warmers, tables, hearses, etc. But when Christianity does not exist, the existence of this inventory, so far from being, Christianly considered, an advantage, is far rather a peril...”⁴⁵

He further says, “the religious situation of the country is this: Christianity does not exist ... The Christianity of the New Testament does not exist at all,”⁴⁶ Both these statements show Kierkegaard's disenchantment with the institution of the church, its rituals and its damaging impact on the spiritual and ethical essence of Christianity. Moreover, just as there is a notable corpus of sayings and reflections on the self attributed to 'Alī b. Abī

⁴³ See for example Kierkegaard, Søren., *Practice in Christianity*, trans by Howard V Hong and Edna H Hong (Princeton: Princeton University Press, 1991), p. 226, 256 and 341; Kierkegaard, Søren., *For Self Examination/Judge For Yourself*, trans by Howard V Hong and Edna H Hong (Princeton: Princeton University Press, 1990), p. 17, 21 and 140 – 41.

⁴⁴ The aforementioned events in his life are well-documented in the following detailed biography of Kierkegaard: Garff, Joakim., *Kierkegaard, Søren Kierkegaard: A Biography* (Princeton: Princeton University Press, 2007).

⁴⁵ Kierkegaard, Søren., *Kierkegaard's Attack upon Christendom, 1854–55*, trans. Walter Lowrie (Princeton: Princeton University Press, 1968), p. 30.

⁴⁶ Ibid: p. 29.

Ṭālib, a similar corpus is attributed to Kierkegaard who under his many pseudonymous authors expressed his views on what the self is or should be.⁴⁷

‘Alī b. Abī Ṭālib had a similar but graver battle in his life in dealing with the institution of the caliphate (*khilāfah*) that gradually became cemented in Muslim psyche after Prophet Muḥammad’s death in 11/632. According to the Shī‘ī view, the reigns of ‘Abd Allāh b. Abī Quḥāfah (popularly known as Abū Bakr, d. 13/634), ‘Umar b. Khaṭṭāb (d. 23/644) and particularly ‘Uthmān b. ‘Affān (d. 35/656), Mu‘āwiyah b. Abī Sufyān (d. 60/680) and Yazīd b. Mu‘āwiyah (26/647 – 64/683) saw greater emphasis on conquests of land, hereditary promotion and the divorce between morality and leadership.⁴⁸ Islām had become associated with military dominance and strayed from the original message of Prophet Muḥammad which was to, in his own words, “...accomplish the important task of moral perfection.”⁴⁹ As such, ‘Alī b. Abī Ṭālib had the difficult task of separating the essence of religion from the questionable actions of its rulers and this is why in sermon 5 of *Nahj al-Balāgha* he states the caliphate is “like turbid water or like a morsel that would suffocate the person who swallows it. One who plucks fruits before ripening is like one who cultivated in another's field. If I speak out they would call me greedy towards power but if I keep quiet they would say I was afraid of death.”⁵⁰ This statement shows the difficulty when he eventually became the 4th Muslim caliph because he had the arduous task of redefining political leadership towards the original message of Islām.⁵¹ Again, this offers another point of comparison for this thesis because both figures’ deep reflections on the religious and social dilemmas of their time position the self in a practical arena.

⁴⁷ There is a recent work by Simon Podmore which analyses the self from Kierkegaard’s works. See: Podmore, Simon., *Kierkegaard and the Self before God – Anatomy of the Abyss* (Indiana: Indiana University Press, 2011).

⁴⁸ Arguably one of the best works to analyse the issue of succession after Muḥammad and the Shī‘a view of the caliphate is: Madelung, Wilferd., *The Succession to Muḥammad: A Study of the Early Caliphate* (Cambridge: Cambridge University Press, 1997).

⁴⁹ The full *ḥadīth* is: “I was appointed for Prophethood so that I may accomplish the important task of moral perfection.” Cited from: Al-Tūsi, Abū Ja’far Muḥammad b. Ḥasan., *Amāli al-Tūsi* (Qum: Dar al-Ṭāqafah, 1994), p. 477. Also found in: Al-‘Āmilī, Al-Hur., *Wasāil al-Shī‘a* (Qum: Ahlulbayt Institute, 1989) vol 12, p. 173 and in al-Tabarsi, Mirza Ḥusayn al-Nuri., *Mustadrak al-Wasā’il wa Mustanbat al-Masā’il* (Qum: Ahlulbayt Institute, 1988) vol 11, p. 191.

⁵⁰ Ar-Razi, Sayyid Shareef: *Nahj al-Balāgha – Imām ‘Alī b. Abī Ṭālib’s Sermons, Letters, and Sayings – Arabic and English*. Translated by Syed Ali Raza (Qum: Ansariyan Publications, 2007), volume 1, pp. 75 – 76. ‘Alī b. Abī Ṭālib also wrote several letters to Mu‘āwiyah b. Abi Sufyan criticising him for corrupting religious values and the nature of leadership itself. See letters 6, 7, 9, 10, 30, 37, 48, 49, 55, 64, 65, 73 and 75.

⁵¹ ‘Alī b. Abī Ṭālib’s letter to his governor of Egypt, Malik al-Ashtar, is arguably the best example in *Nahj al-Balāgha* and perhaps the Shī‘ī tradition as a whole of his view of what leadership should be. See: Ar-Razi: *Nahj al-Balāgha*, volume 2, letter 53, p. 432.

The aforementioned comparisons are even more necessary when we consider the lack of awareness of Islām during Kierkegaard's own time. By his own admission, 'Muḥammadanism' as it was known then in Orientalist scholarship represented something that was "behind":

"the relationship is as follows: Christianity is the actual proprietor who sits in the carriage; Judaism is the coach-man; Muḥammadanism is a groom, who does not sit with the coachman, but behind." He also says, "Muḥammad protests with all his might against being regarded as a poet, and the Koran as a poem...he wants to be a prophet. ... I protest with all my might at being regarded as a prophet, and want only to be a poet."⁵²

My point is not to criticise Kierkegaard but rather to highlight the continuing paradigm in Western scholarship to consider Islām as the 'Other' within a narrative which subjugates it towards its own concerns rather than as a creative intellectual force that has the potential to solve universal problems. This sentiment has been expressed recently by Wael Hallaq in his erudite response to David Powers' critical review of his book, *The Origins and Evolution of Islamic Law*.⁵³ In critiquing the paradigm of Orientalism and the role of scholars, Hallaq argues,

"If I am granted the proposition that scholars should lead, as scholars, an ethical life (and I doubt that many would disagree), then the proposition must encompass a discursive ethical involvement in their social order, research, publication, and teaching. Their work, in its totality, must be conscious of itself, its place and its implications in the "strategies" of power. It must consciously exert the utmost intellectual effort to foresee these implications, and must work toward subverting them. It must resist domination (at least) as a knowledge system, which means it must at a minimum be aware of any possible complicity with a modernist theory of progress, and of subordinating the image of the Other to one's own narrative or to one's own larger cultural space."⁵⁴

⁵² Romano, Carlin., "What Would Kierkegaard Do?", *The Chronicle Review* 52, 35 (2006). Link: <http://chronicle.com/article/What-Would-Kierkegaard-Do-/6532> (accessed 22nd December 2012)

⁵³ (Cambridge: Cambridge University Press, 2005).

⁵⁴ Hallaq, Wael B., 'On Orientalism, Self-Consciousness and History', *Islamic Law and Society*, 18 (2011), pp. 387-439 at pp. 438 – 9.

Hallaq's statement is significant because it shows a writer always needs to be aware of how a particular knowledge system views an idea and the need to evaluate whether that narrative adequately brings out the truth or nature of that very idea. I am fully cognisant of the fact that several books exist on the historical interaction between Islām and the West on the production of philosophical and theological ideas in the classical and post-classical periods.⁵⁵ However, there are very few works that look at the philosophical potential of the Islamic intellectual tradition to create concepts that can be amalgamated, change or influence contemporary Western intellectual ideas, such as human rights – a theme which I examine in chapter one. Much of the philosophical discussion within Muslim scholarship is focused on reforming its own areas rather than looking at how to, in the words of Kierkegaard, 'upbuild' ideas globally. My line of enquiry is the latter in order to escape both Eurocentric and Islamic-centric worldviews; hence my comparison with two Western philosophical texts and the ability of all of these texts to contribute a harmonised and universal understanding of the self and its role in influencing the Islamic-Western human rights discourse.

5.2. Zayn al-‘Ābidīn and Kant

Comparing Zayn al-‘Ābidīn and Kant has *prima facie* similar challenges when comparing ‘Alī b. Abī Ṭālib and Kierkegaard. Zayn al-‘Ābidīn was an Imām and Kant was a philosopher but when we delve more deeply into Zayn al-‘Ābidīn's life we can appreciate his deep awareness of the nature of morality and its importance in society which strongly resonates with Kant's own life. I would like to comment on both figures' emphasis on developing a moral society as this is the intellectual thread which gives me the foundational point of comparison.

Zayn al-‘Ābidīn (38/658 – 95/712), meaning 'adornment of the worshippers', was the title given to ‘Alī b. al-Ḥusayn. Ali b. al-Ḥusayn was the great grandson of Prophet Muḥammad and was born in Madinah. He was the son of al-Ḥusayn ibn ‘Alī (4/626 – 61/680, the martyr who was brutally killed with his family and companions on the plains of Karbalā, Iraq by the corrupt ruler, Yazīd ibn Mu‘āwiyah. After the loss of his father,

⁵⁵ Nasr's works examine the interaction between Islamic philosophy and Western philosophy – see: Nasr, Seyyed Hossein., *Islamic Philosophy from Its Origin to the Present: Philosophy in the Land of Prophecy* (Albany: State University of New York Press, 2006). More recently, Humberto Garcia has examined Islām's influence on the English Enlightenment, see: Garcia, Humberto., *Islām and the English Enlightenment 1670-1840* (Maryland: The Johns Hopkins University Press, 2011).

‘Alī ibn Ḥusayn had to endure the cruelty of the Umayyad regime by being taken as a captive. He witnessed the tragic events of Karbala, in particular the massacre of his father, companions and children as well as the torture of women at the hands of Yazīd’s soldiers.⁵⁶ This had a lasting impact on his psyche and perception of what society needed at the time which was a sense of righteousness, Godliness and dignity. This manifested in his personal life first and foremost and that is why he was known as *Zayn al-‘Ābidīn* and *al-Imām al-Sajjād* (the prostrating Imām) because of his focus on his inner self, worshipping God and improving his conduct.⁵⁷

Immanuel Kant (1724 – 1804), born in Königsberg, Prussia, was also brought up in a pietistic household that focused on religious devotion and personal humility. Kant himself appeared to be pensive from his younger days especially when he lost his mother during his teenage years and would often go for regular walks. The environment he grew up in emphasised segregation between men and women and he himself rarely travelled outside of Königsberg. He went into seclusion for over a decade to think about the relationship between rationality and metaphysics and after this period he wrote the *Critique of Pure Reason*.⁵⁸ It appears this was a time of solitude, study, and spiritual reflection that allowed Kant to understand the nature of reality as he saw it.⁵⁹ By contrast, Zayn al-‘Ābidīn was taken as a captive of Yazīd and was isolated several times during his life because of the fear Yazīd had of the growing influence of Zayn al-‘Ābidīn amongst the people. Zayn al-‘Ābidīn used his time of solitude to supplicate to God, constructing numerous supplications that reflected his innermost thoughts about God and morality. This manifested intellectually in two of his works, the last of which is the core text for comparison with Kant’s *Metaphysics of Morals*.

⁵⁶ For further sources on the Massacre of Karbala and the events that Zayn al-‘Ābidīn witnessed, see: al-Kufī, Lut b. Yahya b. Sa’id b. Mikhnaf b. Salim al-Azdi al-Ghamidi., *Maqatal al-Husayn*. Translated by Hamid Mavani. (Middlesex: Shi’a Ithnasheri Community of Middlesex 2001); al-Tabari, Abū Ja’far Muḥammad b. Jarir., *Tarikh al-Tabari – The History of Tabari* (New York: State University of New York Press, 1985 - 88) and al-Mufīd: *Kitāb al-Irshād*, pp. 296 – 393. There is also a recently published book which documents the words and sermons of Ḥusayn ibn ‘Alī on his journey to Karbala: Najmi, Ayatollah Muḥammad-Sadiq., *From Medina to Karbala – In the Words of Imam al-Husayn* (Birmingham: Sun Behind the Clouds Publication, 2012).

⁵⁷ For biographical information on Zayn al-‘Ābidīn, al-Mufīd: *Kitāb al-Irshād*, pp. 380 – 392; Madelung, Wilferd., ‘Ali b. Ḥusayn’ in *Encyclopaedia Iranica*: <http://www.iranicaonline.org/articles/ali-b-hosayn-b-ali> (accessed 22nd December 2012) and Modarressi: *Tradition and Survival*, pp. 33– 36.

⁵⁸ Martin Schonfield focuses Kant’s ‘pre-Critical’ period in his work: *The Philosophy of the Young Kant: The Precritical Project* (Oxford: Oxford University Press, 2000).

⁵⁹ The most well-known biography of Kant which documents the events I have briefly outlined is: Kuehn, Manfred., *Kant: A Biography* (Cambridge: Cambridge University Press, 2001).

The first of these is '*al-Ṣaḥīfat al-Sajjādiyyah*' simply known as 'The Book of Sajjad' yet because of its notable spiritual contents, it is known as the 'Psalms of Islām.' The book is a compilation of Zayn al-ʿĀbidīn's supplications and prayers composed during the period 38/659 – 95/712 which exemplify his proximity to God and moral consciousness.⁶⁰ In the Shīʿī tradition, it is regarded to be the most important book after the Qurān, along with *Nahj al-Balāgha*. *Al-Ṣaḥīfat al-Sajjādiyyah* shows the spiritual consciousness of the 4th Imām but in particular, exemplifies his patience in enduring the tragic loss of his family at Karbala and living under a corrupt regime.⁶¹

This is amplified by his second work, *Risālat al-Ḥuqūq* (the Treatise of Rights), which was also expressed in the 7th century. I will explain this text shortly but briefly, the Treatise of Rights is a meta-legal charter of the intricate system of human rights stemming from God, the self (*nafs*), the self's actions, leaders, subjects, family units and finally, members of society such as neighbours and partners. It is a combination of metaphysics, ethics, law and personal development, which I will analyse in chapter three of the thesis. As a brief example of his multi-faceted approach, Zayn al-ʿĀbidīn says of leadership:

"The right of your subjects through authority is that you should know that they have been made subjects through their weakness and your strength. Hence it is incumbent upon you to act with justice toward them and to be like a compassionate father toward them. You should forgive them their ignorance and not hurry them to punishment and you should thank God for the power over them which He has given to you."⁶²

Here, the emphasis on having a just and compassionate leader that treats his subjects with respect is the hallmark of successful leadership. Zayn al-ʿĀbidīn emphasises that actually it is the rights of the subject to demand this kind of leadership and for leaders not to abuse their strength. This echoes Kant's concept of treating people as ends, never as a means⁶³ and shows both figures were concerned about the dignity of their society.

⁶⁰ Zayn al-ʿĀbidīn also has ascetical passages reported elsewhere such as in *Tuḥāf al-Uqoul* under the section entitled 'Wording of Admonition, Ascetics and Wisdom' (Harrani: *Tuḥāf al-Uqoul*, p. 219).

⁶¹ See: Al-ʿĀbidīn, Zayn. *The Psalms of Islām - Al-Ṣaḥīfat al-Kāmilat al-Sajjādiyyah*. Translated by William Chittick. (Qum: Ansariyan Publications, 1987). For further information on this text, see: Modarressi: *Tradition and Survival*, pp. 33– 36.

⁶² Al-ʿĀbidīn: *The Psalms of Islām*, p. 286.

⁶³ Kant famously states: "Now I say that the human being, and in general every rational being,

Moreover, Kant himself argued with King Frederick William II about censorship when Kant was accused of demeaning Christian teachings. The King decided to censor Kant's writings and Kant later argued against this kind of censorship that whilst certain doctrines could be advanced by the state, ultimately philosophy's purpose was to scrutinise all ideas, even religious ones. For Kant, the King had abused his power in withholding important information for the public to make rational decisions about their faith. All human beings are rational ones and their capability and right to make laws for themselves must be respected.⁶⁴ Effective leadership, therefore, is one that respects the intellect of the people and does not use them as a means for particular ends. Zayn al-‘Ābidīn also suffered censorship from Yazīd as he was against the teachings of Islām and therefore imprisoned him. Even after his release, Yazīd did as much to isolate him from the public.⁶⁵ Both figures, therefore, had a concern for increasing people's knowledge about how they perceive religion, morality and society.

Finally, similar to Kierkegaard, there was a lack of awareness of Islām during Kant's time to the extent that it was only given a cursory mention in his works, which at times was inaccurate.⁶⁶ Commenting on Kant's somewhat condescending attitude and even uneasiness towards Islām, Almond argues,

“Not merely because it illustrates what Kant will come to represent for Islām in this chapter – a central figure in the Enlightenment footnoting of Islām, a pivotal stage in the rationalist reduction of the Muslim Orient to a curious appendix, an eccentric cross-reference, a pair of problematic parentheses.”⁶⁷

exists as end in itself, not merely as means to the discretionary use of this or that will, but in all its actions, those directed toward itself as well as those directed toward other rational beings, it must always *at the same time* be considered as an *end*.” Kant, Immanuel., *Groundwork for the Metaphysics of Morals*, Trans. Allen Wood (New Haven and London: Yale University Press, 2002), p. 45.

⁶⁴ For this episode in Kant's life, see: Kuehn, *Kant: A Biography*, pp. 329 – 386.

⁶⁵ For this incident in Zayn al-‘Ābidīn's life, see: *Al-Qarāshi, Bāqir Sharīf., The Life of Imām Zayn al-‘Ābidīn*, translated by Jasim al-Rasheed (Qum: Ansariyan Publications, 2000), pp. 131 – 165.

⁶⁶ For example, Kant stated, “Mohammedanism, which forbids wine altogether, [but] made a very bad choice in permitting opium to take its place.” This statement is misleading because whilst Kant is correct that Islām prohibits alcohol, drugs are not permitted since they harm the individual. As a principle, the Islamic tradition prohibits any action that harms the individual. It appears Kant is referring to Muslim culture because sheesha or hukka (waterpipe) is used by some Muslims, particularly in the Middle East and surrounding regions. For his quote, see: Kant: *The Metaphysics of Morals*, p. 223.

⁶⁷ Almond, Ian., *History of Islām in German Thought: From Leibniz to Nietzsche* (New York: Routledge, 2010) p. 29. Almond devotes an entire chapter to Kant's attitude towards Islām – see pp. 29 – 52.

Again, this lack of awareness provides another motivation to show the similarities in Zayn al-‘Ābidīn’s and Kant’s ideas and to replace the attitude of uneasiness with cooperation. The aforementioned strands in both figures’ lives indicate a leaning towards personal reflection, piety, concern for the nature of morality and reform of an individual’s intellect and conscience. Just as ‘Alī b. Abī Ṭālib and Kierkegaard have provided me with an intersecting point in the thesis in evaluating the meaning of the self (particularly in context of the arguably negative influence of political authority on religion), Zayn al-‘Ābidīn’s and Kant’s vision of how individuals should treat each other in society becomes a foundational point of comparison. Their own lives were motivated by a deep sense of awareness of their own personal morality and perhaps this was the instigating factor in trying to come up with principles that would bring about this awareness in other human beings. Thus, Kant’s principles of treating people as ends, never as a means or always perform your duty with goodwill is a reflection of Kant’s own personal life. Similarly, Zayn al-‘Ābidīn’s emphasis on effective leadership through compassion and justice is a direct reflection of his firmness to prevent the brutalities he saw in Karbala from ever happening again. These particular strands in both figures’ lives and particularly how they manifested in their works, which is the main subject of this thesis, give me a starting point in which to begin a fruitful comparison of their intellectual thoughts present in the chosen texts of this thesis.

6. The Nature and Context of the Chosen Texts

Having given a comparative background to the lives of my four chosen figures, it is necessary to comment on the nature, context and authenticity of their texts. This will justify why I have chosen to compare Eighteen Upbuilding Discourses with Nahj al-Balāgha and The Metaphysics of Morals with Risālat al-Ḥuqūq. I will begin with the historical context of the texts and then proceed to comment on the nature and similarity of ideas in their texts.

6.1. Eighteen Upbuilding Discourses

Whilst a great deal has been written about Kierkegaard’s pseudonymous works such as *Either/Or*, *Fear and Trembling* or *Philosophical Fragments*, there is very little literature on Eighteen Upbuilding Discourses (*Atten Opbyggelige Taler*), which represents his own signed work. Indeed, George Pattison argues,

“For a start, the Eighteen Upbuilding Discourses are undoubtedly the poor relations of Kierkegaard scholarship and have been consistently under studied... not even the authority of Heidegger has prompted philosophers to pay much attention to these works, and those who write about Kierkegaard from a theological point of view have tended to pass the early upbuilding works by in favour of his later explicitly Christian works.”⁶⁸ Only recently has there been resurgence on this work.⁶⁹

The discourses within Eighteen Upbuilding Discourses were actually published in portions during 1843-44. Two were published in 1843, then three in 1843, another four in 1843; two in 1844, then three in 1844 and finally, another four in 1844. There is explicit reference to his intentions in writing these discourses, “this little book...is called “discourses”, not sermons, because its author does not have authority to preach, “upbuilding discourses”, not discourses for upbuilding, because the speaker by no means claims to be a teacher.”⁷⁰ Kierkegaard intended the discourses to instigate a kind of meditation or deep reflection in the reader about his/her own self, relationship to God, nature of morality and his/her place in society. This is why the very titles of the discourses such as ‘Strengthening the Inner Being’ or ‘Preserving One’s Soul in Patience’ reflect the innermost traits of the self and how one should cultivate them.

The second aim of Kierkegaard is to make the reader re-evaluate the nature of his/her Christian faith. Kierkegaard accomplishes this through analysing famous stories in the Bible involving the struggles of God’s Prophets such as John, Abraham and Job. Yet he does not just extract the morals of these stories but attempts to enter the minds of these Prophets, looking at their psyche, motivations, hopes and fears and relating these to the

⁶⁸ Pattison, George., *Kierkegaard’s Upbuilding Discourses* (London and New York: Routledge, 2002), p. 1.

⁶⁹ The Oxford Centre for Theology & Modern European Thought held three conferences on Kierkegaard’s Upbuilding Discourses in 2010-11 in Oxford, Aarhus and Copenhagen (<http://users.ox.ac.uk/cgi-bin/safeperl/ctmet/main.cgi?9>) – accessed 22nd December 2012. These featured some of the writers who contributed to the valuable volume on Eighteen Upbuilding Discourses edited by Robert Perkins entitled, *Eighteen Upbuilding Discourses: International Kierkegaard Commentary – Volume 5* (Georgia: Mercer University Press, 2003). More recently, George Pattison wrote an entire book on Eighteen Upbuilding Discourses entitled, *Kierkegaard’s Upbuilding Discourses* (London and New York: Routledge, 2002) and close attention is now being paid to specific discourses themselves - see Rudd, Anthony., ‘Kierkegaard on Patience and the Temporality of the Self: The Virtues of a Being in Time’, *Journal of Religious Ethics* 36, 3 (2008) pp. 491 – 509.

⁷⁰ Kierkegaard, Søren., *Eighteen Upbuilding Discourses* (trans. Hong, Edna and Hong, Howard) (Princeton: Princeton University Press, 1990), pp. ix-vii

desires and struggles of human beings in their everyday affairs. Here, Pattison has argued that these discourses,

“...not only offer Kierkegaard’s ‘religion of ethics’ but show that ethics are embedded in what might, loosely, be called a ‘spirituality’, a type of sensibility in which moral decisions and concrete religious commitments are informed by a larger sense of the contours of human life in time.”⁷¹

Kierkegaard’s approach, therefore, is to situate human spiritual concerns within a wider ethical and religious arena that binds moral decisions within a holistic understanding of existence. Pattison situates Kierkegaard’s *Eighteen Upbuilding Discourses* as “works of his right hand”⁷² (a point that Kierkegaard himself confesses to) thus demonstrating that the discourses “constitute his direct communication, as opposed to the indirect communication of the pseudonyms.”⁷³ Whilst Pattison argues the discourses are also a form of indirect communication, they nevertheless give us a holistic picture of Kierkegaard’s existential philosophy which is intertwined with personal ethical deliberations and his own view of what Christian faith should be. We can perhaps read forwards that Kierkegaard’s whole activity in these discourses and arguably in his work as a whole was to demonstrate “how to become Christian” for he says in 1851 in *The Point of View*, “this is how I understand myself in my work as an author: it makes manifest the illusion of Christendom and provides a vision of what it is to become a Christian.”⁷⁴

6.2. Nahj al-Balāgha

Nahj al-Balāgha (the Peak of Eloquence) is a compilation which covers diverse themes from spiritual techniques, Qur’ānic exegesis, metaphysics, theology, ethics and wise sayings, to politics, leadership, history, family advice and more. These are all contained in ‘Alī b. Abī Ṭālib’s sermons and letters to his society in Arabia during the period 656 – 661 but also include many other statements from the earlier part of his life. It was compiled by the Shī‘ī scholar, Abu al-Ḥasan Muḥammad b. al-Ḥusayn al-Mūsawī,

⁷¹ Ibid: p.10.

⁷² Ibid: p. 2.

⁷³ Ibid.

⁷⁴ Kierkegaard, Søren., *The Point of View*, translated by Hong, Howard and Hong, Edna (Princeton: Princeton University Press, 1998), p. 88.

popularly known as Sharīf al-Raḍī (359/970 - 406/1016) who was the brother of the notable Shī‘ī jurist, Abu al-Qāsim ‘Alī b. Ḥusayn al-Sharīf al-Murtaḍa (355/965 - 436/1044). The book contains approximately 241 sermons, 79 letters, and 489 utterances of ‘‘Alī b. Abī Ṭālib.’’⁷⁵

What is unique about *Nahj al-Balāgha* is the way in which ‘Alī b. Abī Ṭālib combines beautiful Arabic language (hence the name of the book) and penetrating intellectual concepts. One of the most famous commentaries written on *Nahj al-Balāgha* is *Sharḥ Nahj al-Balāgha* by Izz al-Dīn b. Hibatullah b. Abī al-Hadīd, which is still used to this day to understand the concepts behind ‘Alī b. Abī Ṭālib’s sermons, letters and sayings.⁷⁶ *Nahj al-Balāgha* is a celebrated book amongst Shī‘ī Muslims, next only to the Qur’ān because of its literary and intellectual depth yet within Western academia, scholarship on the compilation remains scarce.⁷⁷

A misconception about *Nahj al-Balāgha* is that it was intended to be a book of authentic sermons and sayings of ‘Alī b. Abī Ṭālib and because it is difficult to verify all of ‘Alī b. Abī Ṭālib’s statements, it should be rejected. This argument has traditionally come from some scholars of the Sunni tradition such as ibn Khallikhan (608/1211 – 681/1282) and ibn Hajar al-Asqalānī (773/1372 – 852/1448) but it can be refuted on three grounds. The first is that Sharīf al-Raḍī did not intend the book to be an authentic ḥadīth compilation. In fact, he has stated,

“the object of this compilation is that I should bring forth Amir al-Mu'minin's greatness and superiority in the art of rhetoric which is in addition to his countless qualities and innumerable distinctions, and to show that he has risen to the highest pinnacle of this

⁷⁵ For information on its compilation, see Modarressi: *Tradition and Survival*, pp. 13 – 15. Al-Mas‘ūdi reports that ‘Alī b. Abī Ṭālib’s sermons exceeded 480 and so what is recorded in *Nahj al-Balāgha* is still half or under half of his actual sermons. Al-Mas‘ūdi, Abū al-Ḥasan ‘Alī b. al-Ḥusayn., *Murūj al-dhahab wa-ma‘ādin al-jawhar*, (Beirut: al-Jāmi‘a al-Lubnāniyyah 1965-79), vol 2, p. 431.

⁷⁶ See al-Hadīd, Izz al-Dīn b. Hibatullah b. Abī., *Sharḥ Nahj al-Balāgha* (Cairo: Dar al-Ihya Kutub al-Arabiyya, 1959-64). For further information on al-Hadīd, see: Singh, Nagendra (ed) and Samiuddin, Abida (ed), *Encyclopaedic Historiography of the Muslim World* (Delhi: Global Vision Publishing House, 2003), volume 1, pp. 341-3. See also the commentary by Muḥammad ‘Abduh: al-Raḍī, Abū al-Ḥasan Muḥammad b. al-Ḥusayn al-Mūsawī., *Nahj al-Balāgha*, edited by Husayn al-A‘lamī, commentary by Muḥammad ‘Abduh (Beirut: Mu‘assasat al-A‘lamī, 1993).

⁷⁷ The only comprehensive work to date on *Nahj al-Balāgha* in Western academia is Shah-Kazemi, Reza., *Justice and Remembrance: Introducing the Spirituality of Imām Ali* (London: I.B Tauris, 2007). Even in Islamic scholarship, Mutahhari argues little attention has been paid to *Nahj al-Balāgha*. See: Mutahhari, Murtaḍa., *Glimpses of the Nahj al-Balāgha* (Qum: Islamic Culture and Relations Organisation, 1997), pp 1-15 and 54-56.

attainment, is singular among all those predecessors whose utterances are quoted here and there, whereas his own utterances are like an onrushing and irresistible stream, and such a treasure of subtleties in language is unmatched.”⁷⁸

He has further said,

“in spite of all this I do not claim that I have collected Amir al-Mu'minin's utterances from everywhere and that no single sentence of any type or construction has been left out. In fact I do not rule out the possibility that whatever has been left out might be more than what has been collected, and what has been in my knowledge and use is far less than what has remained beyond my reach. My task was to strive to the best of my capacity and it was Allah's part to make the way easy and guide me to the goal; Allah may will so.”⁷⁹

The quotes above are important for several reasons. The first is that Sharīf al-Raḍī's intention was not to show the authentic nature of what he has compiled but rather the linguistic, spiritual and intellectual beauty of ‘Alī b. Abī Ṭālib. *Nahj al-Balāgha*, therefore, should be taken as a book of inspiration and literature. Secondly, Sharīf al-Raḍī openly admits that *Nahj al-Balāgha* does not represent a complete collection of ‘Alī b. Abī Ṭālib's narrations, that statements could have been left out and even repeated. This shows that rigorous authenticity wasn't his primary concern but rather, it was the eloquence of ‘Alī b. Abī Ṭālib.⁸⁰ Thirdly, scholars after Sharīf al-Raḍī have made significant efforts to trace the source of each sermon, which existed before Sharīf al-Raḍī's time.⁸¹ Finally, an argument can be made based on the eloquent language used in *Nahj al-Balāgha*; it is difficult to find an equally eloquent man as ‘Alī b. Abī Ṭālib in the Arab society at the time as he was famous for giving poetic and moving sermons. As a result, one ḥadīth by ‘Alī b. Abī Ṭālib which gives us an indication on how to read *Nahj al-Balāgha* is as follows, “consider not who said [it], rather, look at what he said.”⁸²

⁷⁸ Ar-Razi: *Nahj al-Balāgha*, volume 1, 6.

⁷⁹ Ibid.

⁸⁰ For discussions on *Nahj al-Balāgha*'s authenticity, see ‘Ali Naqi-un-Naqvi's preface in Ar-Razi: *Nahj al-Balāgha*, pp. xi – xxxiv and Shah-Kazemi, *Justice and Remembrance*, pp. 1-10.

⁸¹ See: al-Khatīb, Abd al-Zahra al-Ḥusayni., *Masādir Nahj al-Balāgha wa Asnadihuh* (Beirut, Lebanon: Dar al-Ta'aruf, 1988) and al-Ni'ma, Abdallah., *Madārik Nahj al-Balāgha* (Beirut, Lebanon: Dar al-Ta'aruf, 1972).

⁸² *Ghurur al-Ḥikam*, vol.2, p. 122, no.68.

6.3. The Metaphysics of Morals

The Metaphysics of Morals (*Die Metaphysik der Sitten*) published in 1797 is one of the lesser known works of Kant and has arguably not been analysed as much as the *Groundwork for the Metaphysics of Morals* and the *Critique of Pure Reason*. In her introduction to the Metaphysics of Morals, Gregor comments that the “task he [Kant] set himself in the Groundwork was a very limited one. It is therefore unfortunate that this work is often taken as his definitive position in moral philosophy and as virtually identical with ‘Kantian moral philosophy’.”⁸³ This position has been substantiated by Allen Wood, one of the major advocates and commentators of the Metaphysics of Morals who argues,

“Despite its brevity, the Groundwork is one of the greatest and most influential achievements in the history of philosophy. Nevertheless, it must be said a disproportionate amount of scholarly attention has been paid to it. For Kant intends this little book not as a complete exposition of his ethical theory but only as an attempt to identify and secure the fundamental principle on which a system of ethics might be based.”⁸⁴

It is precisely what Kant intended with the Groundwork for the Metaphysics of Morals that makes the Metaphysics of Morals all the more important. The Groundwork was a somewhat incomplete work that only laid the basic principles for deriving ethical norms. Kant in fact intended to write a book on metaphysics later on which would provide a holistic grounding to his whole philosophy, “now intending someday to provide a metaphysics of morals, I issue this groundwork in advance.”⁸⁵

We can see this in the difference in approach between the Groundwork and the Metaphysics of Morals. In the Groundwork, Kant argued that for an act of the will to possess moral worth, it is not enough that it is done in conformity with duty, but the action must be done from duty. Here, the action is not the source for moral worth but the maxim upon which the action is based. Kant argues that in order for an action to be dutiful that action must not be done because of subjective inclinations an agent might

⁸³ Kant: *The Metaphysics of Morals*, p. 6.

⁸⁴ Wood, Allen., *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999), p. 13.

⁸⁵ Kant, Immanuel., *Groundwork for the Metaphysics of Morals*, Trans. Allen Wood (New Haven and London: Yale University Press, 2002), p. 7.

have. Instead, in a dutiful action, “nothing remains which can determine the will except objectively the law, and subjectively pure respect for the law.”⁸⁶ However, what kind of law could it be that could determine the will simply as law? Kant’s answer is the categorical imperative: “I am never to act otherwise than so that I could also will that my maxim should become a universal law.”⁸⁷ In this formula, Kant asserts that it is mere lawfulness that should determine the will.

This above can give the impression that Kant’s ethics are too formal and cold and do not represent the reality by which human beings perform duties or even perceive ethics. However, when we read the *Metaphysics of Morals*, we find that this is a grave misconception. In this later work, Kant deals a great deal with a human being’s incentive to perform the law and how a person must cultivate his virtue, appetite and desires. This is why the *Metaphysics of Morals* is divided into the “Doctrine of Right”, which deals with the rights that people have or can acquire, and the Doctrine of Virtue, which deals with the virtues they ought to acquire; “the doctrine of right and the doctrine of virtue [i.e. ethical duties] are therefore distinguished not so much by their different duties as by the difference in their lawgiving, which connects one incentive or the other with the law.”⁸⁸ This suggests that Kant was aware of the difference incentives by which a duty is performed and he readily acknowledges that the moral person must not only be a “scrutinizer of hearts”⁸⁹ but “a moral being must also have all power (in heaven and on earth) in order to give effect to his laws (as is necessarily required for the office of judge), and since such an omnipotent moral being is called God, conscience must be thought of as the subjective principle of being accountable to God. In fact the latter concept is always contained (even if only in an obscure way) in the moral self-awareness of conscience.”⁹⁰

The mention of heart, self-awareness, conscience and God shows Kant’s awareness of the human self and its various earthly and transcendental dimensions. This has often been shunned by Kant’s critics who as Wood argues,

⁸⁶ Kant: *Groundwork*, p. 400.

⁸⁷ Ibid: p. 402.

⁸⁸ Kant: *The Metaphysics of Morals*, p. 220.

⁸⁹ Ibid: p. 234.

⁹⁰ Ibid.

“often call attention to the deep distrust of human nature exhibited in his insistence on the opposition of reason and inclination and his reservation of moral esteem only to actions motivated by duty...but the critics display short-sightedness when they condescend to this feature of Kant’s ethical thought...they overlook the fact that Kant’s interpretation of the a priori moral principle itself, as well as his conception of its application to the human will, depends on some quite distinctive views about human nature and history.”⁹¹

These views involve an appreciation of an *a posteriori* view of the world which is exactly what we see in the *Metaphysics of Morals* when Kant explores the notion of ‘duties to oneself’ – the focus of this thesis and core point of comparison with Zayn al-‘Ābidīn’s idea of ‘rights to the self.’ Therefore the *Metaphysics of Morals* represents one of the more practical works of Kant (along with *Perpetual Peace*⁹²) that explores human nature more deeply and gives content to ethical duties.

6.4. *Risālat al-Ḥuqūq*

Risālat al-Ḥuqūq (Treatise of Rights) is a text by Zayn al-‘Ābidīn, first transmitted by Abu Hamza al-Thumālī (d.150/767), a close companion of his. It is arguably one of the earliest human rights charters in both Islamic and Western history composed in the period 38/659 – 95/712 that sets out the rights of God, the self, biological organs, spiritual and ritual actions, parents, brothers, sisters, children, leaders, subjects, teachers, neighbours, partners, advisors, masters, slaves and friends, amongst others. Its comprehensiveness can be ascertained by the fact that it contains approximately 51 rights on the aforementioned areas and links back to a narration by Prophet Muḥammad which follows a similar pattern, albeit extremely briefly. *Risālat al-Ḥuqūq* therefore can be argued to be the second detailed charter of rights after *al-Ṣaḥīfat al-Madinah* (the Charter of Madinah) of 622.⁹³

⁹¹ Wood: *Kant’s Ethical Thought*, p. 11.

⁹² Kant, Immanuel., *Perpetual Peace: A Philosophical Essay*, Translated by M. Campbell Smith (London: George Allen & Unwin Ltd, 1795)

⁹³ For information on the transmission of *Risālat al-Ḥuqūq*, see Chittick’s introduction in Al-‘Ābidīn: *The Psalms of Islām*, pp. xvii - xxii and Modarressi: *Tradition and Survival*, p. 35. Original documentation of *al-Ṣaḥīfat al-Madinah* does not exist but is found in early sources, in particular: Ishāq, Muḥammad ibn., *The Life of Muḥammad*, translated by A. Guillame (Oxford: Oxford University Press, 2002) pp. 231 – 233.

Despite the fact that *Risālat al-Ḥuqūq* is recorded in early Shī‘ī sources by major compilers such as Shaykh al-Sadūq (d. 581/991), there is little literature on *Risālat al-Ḥuqūq* (both in Islamic and Western scholarship), particularly in comparison to *al-Ṣaḥīfat al-Sajjādiyyah* where numerous commentaries have been written on it.⁹⁴ However, what gives *Risālat al-Ḥuqūq* its significance is that it was produced after Zayn al-‘Ābidīn had witnessed the martyrdoms of his family, relatives and companions at Karbala. This gives the text a strong historical background where we can substantiate that Zayn al-‘Ābidīn’s intention in writing about these rights was to prevent immorality and corruption in society. This immediately allows some comparison with modern human rights legislation such as the Universal Declaration of Human Rights 1948 (UDHR) which was drafted after the horrors of World War II. The preamble of the UDHR specifically states,

“...whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people...Now, therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations.”⁹⁵

This is another reason why I have chosen the narrative of human rights as the context for this thesis as it offers a window by which *Risālat al-Ḥuqūq* can be contextualised for contemporary discussions on rights. Finally, whilst the text deals with numerous sets of rights, my focus will be on the early part of *Risālat al-Ḥuqūq* where Zayn al-‘Ābidīn introduces a unique set of rights that are owed to the self through one’s biological

⁹⁴ Chittick and Modarressi both attest to the numerous commentaries on *al-Ṣaḥīfat al-Sajjādiyyah* – see: Al-‘Ābidīn: *The Psalms of Islām*, pp. xxii and Modarressi: *Tradition and Survival*, p. 35. With regards to *Risālat al-Ḥuqūq*, two commentaries of note exist: Ghopanchi, Hassan Sayyid Ali., *Sharḥ Risālat al-Ḥuqūq* (Qum, 1982) and Mahdi, Saidi Salih ibn., *Sharḥ Risālat al-Ḥuqūq Sa‘adat al-Darayn bi-hi Tahqiq Kitāb al-Nahjain* (Beirut, Lebanon: Dar al-Ta’aruf 2005). The only literature that exists in English are a commentary on *Risālat al-Ḥuqūq* called *A Divine Perspective of Rights* by Ghodrattullah Mashayekhi (Qum: Ansariyan Publications, 2002) and the introduction to *Risālat al-Ḥuqūq* by William Chittick in his translation of *Al-Ṣaḥīfat al-Sajjādiyyah*. The former can best be classed as a non-critical, religious commentary on *Risālat al-Ḥuqūq* that only exposes its scriptural connection to the Shī‘a tradition. The latter is a concise summary of the substance of *Risālat al-Ḥuqūq* and acts a useful entry for anyone wishing to know about it.

⁹⁵ *Universal Declaration of Human Rights* (1948). Online at: <http://www.un.org/en/documents/udhr/> (accessed 22nd December 2012)

organs. This will be explained shortly but this part of *Risālat al-Ḥuqūq* is the crucial point of comparison with Kant's duties to oneself in the *Metaphysics of Morals*.

7. The Comparative Value of Ideas in the Four Texts

Having introduced the background and nature of the four texts, the crucial question for this thesis is what is it about these texts that allow me to compare them with each other and secondly, what specific ideas do I wish to extract from this comparison in order to construct my framework for the self that can be used in the Islamic-Western discourse on human rights? I will answer this by first commenting on the points of comparison between *Eighteen Upbuilding Discourses* and *Nahj al-Balāgha*.

7.1. Eighteen Upbuilding Discourses and *Nahj al-Balāgha*

The key point of comparison between these two texts is the attention Kierkegaard and 'Alī b. Abī Ṭālib pay on the nature and role of the self in everyday ethical dilemmas. This is crucial for me because I aim to carve out a role for the self in Islamic-Western human rights discourse and require a foundational understanding of what the self is. In *Eighteen Upbuilding Discourses*, Kierkegaard's fundamental aim is to show how all human beings need to reflect on their 'selves' and cultivate moral and spiritual attributes that enable a genuine religious and ethical identity to emerge. He readily admits in *He must Increase; I must Decrease* that "self-knowledge is a difficult matter; although it is easy to understand the rest of the world, the understanding suddenly changes very substantially when it pertains to oneself."⁹⁶ Knowledge of the self is crucial for personal transformation and this must be accompanied with practical moral actions that deal with conflict and suffering. This is why he devotes three discourses to the theme of patience ('To gain one's soul in patience', 'To preserve one's soul in patience' and 'Patience in Expectancy') to emphasise what the self must be engaged with to develop virtue.

Similarly, 'Alī b. Abī Ṭālib speaks about the self in *Nahj al-Balāgha* as an entity which is crucial for the moral and spiritual happiness of the individual and society as a whole. For example, he tells people: "O servants of Allah! The most beloved of Allah is he whom Allah has given power over his self, so that his inner side is (submerged in) grief

⁹⁶ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 275.

and the outer side is covered with fear. The lamp of guidance is burning in his heart.”⁹⁷ The emphasis on introspection of the self and understanding its various dimensions is a theme that runs throughout Nahj al-Balāgha. However, ‘Alī b. Abī Ṭālib also makes the transition from a purely metaphysical perspective of the self to one that is practical and must engage with society: “Action! action! Then (look at) the end; the end, and (remain) steadfast; steadfast. Thereafter (exercise) patience, patience, and righteousness, righteousness. You have an objective. Proceed towards your objective.”⁹⁸ This combination of spirituality and practical ethics in Nahj al-Balāgha help me to discuss the self within the domain of human rights as it can be observable and identifiable in our everyday actions and situations of conflict.

Thus the foundational point of comparison in both texts for this thesis is that Kierkegaard and ‘Alī b. Abī Ṭālib not only discuss the self from a metaphysical and theological perspective but position the self in the very human arena in which it operates; the arena of worldly attachment, base desires, struggle, despair, enmity, character building, patience and more. Here, the content and themes of the discourses and sermons in both books correlate with each other. For example, Kierkegaard deals with strengthening the inner being whilst ‘Alī b. Abī Ṭālib talks about knowing one’s self in sermon 87 or Kierkegaard deals with overcoming despair and suffering in *The Thorn in the Flesh* whilst in sermon 114, ‘Alī b. Abī Ṭālib deals with the nature of destruction and distress in the world. This arena is crucial for my thesis as I am arguing that understanding, respecting and implementing human rights can only come about when there is a realisation of the roots of where these rights emerge and how deeply connected they are to the human self. Without this basic connection, I argue that the project of an endearing set of human rights that is meant to guarantee harmony and stability in both the private and public domain of the human being may fail.

The self, therefore, grounds human rights much deeper than rational agency, human dignity, social contract, inalienability and political will. Furthermore, when the self is positioned in ethical and worldly dilemmas it becomes an accessible entity which can be identified by both religious and non-religious people. However a person wishes to term the self, it is perhaps difficult to deny that existence of one’s personality or identity which changes and reacts over time due to minor and major personal events in an

⁹⁷ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 87, 314.

⁹⁸ Ibid: volume 2, sermon 176, 66.

individual's life. The realisation that this entity, the 'self', plays a vital role in the way human beings understand and claim their rights is the main task of this thesis but for it to emerge as a relevant entity it must be accessible to lay people. Kierkegaard and 'Alī b. Abī Ṭālib laid the seeds of this approach in their works which enables me to use their texts as building blocks to thrust the self from a metaphysical and religious arena into a practical one.

What further aids this comparison is the methodology and literary technique of both authors. *Nahj al-Balāgha* comprises of sermons which 'Alī b. Abī Ṭālib delivered to people throughout his life; *Eighteen Upbuilding Discourses* is not a book of sermons, however, it is a book of reflective discourses which instigate the reader to think about his/her self deeply. Whilst the means are different, both figures have this latter aim in mind and use an interdisciplinary approach in their sermons and discourses respectively in order to convey heartfelt messages about a human being's relationship with the world and how he/she should deal with ethical and spiritual dilemmas. They combine philosophy, theology, ethics, scripture, metaphysics and mysticism in order to present a rounded view of the self. Moreover, their literary styles are poetic, rhetorical, bold and insightful which brings both texts closer together whereas previously one would have deemed it difficult to compare Arabic and Danish, particularly with the authors' different religious backgrounds. Although I am using the English translation of *Eighteen Upbuilding Discourses* by Howard Hong and Edna Hong, at the least we can appreciate and compare the stylistic devices used by both authors to convey their philosophical ideas. I will illustrate this in chapter two.

7.2. The Metaphysics of Morals and Risālat al-Ḥuqūq

Having arrived at a foundational definition of the self by comparing *Eighteen Upbuilding Discourses* and *Nahj al-Balāgha*, the next task is to attach it to rights and a potential framework by which it can be actualised as a relevant entity in the Islamic-Western human rights discourse. Whilst Kierkegaard and 'Alī b. Abī Ṭālib made a transition in viewing the self from a purely spiritual and metaphysical entity to one that was relevant in a practical ethical domain, they did not discuss how rights could be attached to the self in a systemised manner. This is where the *Metaphysics of Morals* and *Risālat al-Ḥuqūq* become crucial for my thesis because Kant and Zayn al-ʿĀbidīn both attempt to give a practical framework to the self by positioning it within the scope

of law. The law they conceive is a combination of hard and in particular, soft law, meaning that the self can operate within a system of law.⁹⁹ It may not be enforceable as contractual or property rights are but nonetheless, it is capable of being relevant in the legal and ethical machinery of a society.

The key idea by which both authors attach rights to the self and which is the central point of comparison in both texts is the notion of ‘duties to oneself’ in the *Metaphysics of Morals* and ‘rights to the self’ in *Risālat al-Ḥuqūq*. In the *Metaphysics of Morals*, specifically in the section on the Doctrine of Virtue, Kant argues that when we are talking about duties to the self, we are talking about internal laws. These internal laws must be cultivated in order for the self to achieve qualitative perfection and specifically to fulfil, “the supreme principle of the doctrine of virtue - act in accordance with a maxim of ends that it can be a universal law for everyone to have.”¹⁰⁰ Kant divides his duties to oneself in three ways: article 1 deals with killing oneself, article 2 deals with defiling oneself by lust and finally article 3 deals with excessive use of food and drink. All of these duties are to diminish one’s baser biological desires so that one can perform his/her duty with goodwill. By ascribing specific duties to oneself, Kant constructs a practical framework by which the self is attached to certain incumbent actions which are necessary to perform for it to flourish.

Similarly, in *Risālat al-Ḥuqūq*, Zayn al-‘Ābidīn explicitly discusses how there are rights (*ḥuqūq*) to the self (*nafs*), specifically to one’s biological organs which are connected to one’s identity. After the right of God upon a human being, these rights to the self form the root of a human being and later branch out and impact all other rights which involve social interaction. He states:

“The right of your self (*nafs*) against you is that you employ it in obeying God; then you deliver to your tongue its right, to your hearing its right, to your sight its right, to your

⁹⁹ “The term hard law...refers to legally binding obligations that are precise (or can be made precise through adjudication or the issuance of detailed regulations) and that delegate authority for interpreting and implementing the law”, Abbott, Kenneth W & Snidal, Duncan., ‘Hard and Soft Law in International Governance’, *International Organization* 54, 3, (2000), pp. 421–456, at p. 421. Whereas soft law are non-binding instruments which begin, “once legal arrangements are weakened along one or more of the dimensions of obligation, precisions and delegation”, Ibid: p. 422.

¹⁰⁰ Kant: *The Metaphysics of Morals*, p. 198.

hand its right, to your leg its right, to your stomach its right, to your private part its right, and you seek help from God in all that.”¹⁰¹

Here, rights and duties are not merely based on social contract. Rather, there are a set of rights which a human being owes to his/her self before any other human being. These rights are owed to one’s bodily organs in order to evaluate the use of one’s organs and heighten one’s self-awareness in every biological movement. For example, my tongue has a right over me in order that I do not verbally abuse others and correspondingly, I owe a duty to my tongue to use it in a kind manner. This highly personalised relationship between rights and biological organs has not been explored as a potential framework to nurture human dignity, self-awareness and moral growth in Shī‘ī-Islām and Western philosophy yet Kant and Zayn al-‘Ābidīn have deliberated on the concept in their works. Both these approaches provide a core foundation to this thesis by introducing a new set of rights that are linked to the self, which are currently not found in international human rights or Muslim jurisprudence – a theme which I examine in chapter one.

Whilst Kant and Zayn al-‘Ābidīn lived in different time periods, 7th and 18th century respectively, they conceived of a notion of rights that combined metaphysics, ethics and law and argued that the self was crucial in the theoretical and practical construction of rights. Kant’s *Metaphysics of Morals* is a work of philosophy but Zayn al-‘Ābidīn’s text is a treatise or charter, not a philosophical discussion. However, akin to the difference between Kierkegaard and ‘Alī b. Abī Ṭālib, this does not stop the comparative examination of duties or rights to the self which exist in both works and are within the context of the Abrahamic tradition.

It is here that the four texts, *Eighteen Upbuilding Discourses*, *Nahj al-Balāgha*, *The Metaphysics of Morals* and *Risālat al-Ḥuqūq*, give me the foundation by which to construct my own practical framework for the self in order for human beings to access and implement human rights. Kierkegaard and ‘Alī b. Abī Ṭālib look at the self from a metaphysical, philosophical and theological perspective but also position it in real ethical dilemmas. Kant and Zayn al-‘Ābidīn, whilst acknowledging these perspectives, focused more on giving a practical framework to the self by associating certain rights and duties with it. I am using *Eighteen Upbuilding Discourses* and *Nahj al-Balāgha* to provide the definition of the self in this thesis and *The Metaphysics of Morals* and

¹⁰¹ Al-‘Ābidīn: *The Psalms of Islām*, p. 284.

Risālat al-Ḥuqūq to provide the framework to the self. When these four texts are combined, they enable an epistemic transition of the self from a religious and philosophical angle to one that is decidedly practical that does not necessarily have to possess ties with the religious tradition or scripture to which it is linked – the subject of chapter four.

8. Versions of the Four Texts used in this Thesis and the Nature of Sources Cited

In this thesis, I will be using the following versions of the texts. For *Eighteen Upbuilding Discourses*, I will be using the widely recognised translation by Howard V. Hong and Edna H. Hong¹⁰²; for *Nahj al-Balāgha*, I will take a modified approach of inserting my own translations for the Arabic text but use Syed Ali Raza's translation as a cursory guide¹⁰³; for the *Metaphysics of Morals*, I will use Mary Gregor's excellent translation¹⁰⁴ and finally for *Risālat al-Ḥuqūq*, Chittick's translation of the *Risalat* at the end of his translation of *al-Ṣaḥīfat al-Sajjādiyyah* continues to be invaluable and so I will not be modifying his translation except to expand on certain terminologies using other Arabic sources, which include commentaries and narrations.¹⁰⁵

In terms of the manner in which I have cited works in my bibliography, primary sources include those works which are central to my thesis such as the original works of the four authors and key pieces of international law legislation. This section also includes sources in Arabic as well as their translations. Secondary sources include all other books, journal articles, chapters, commentaries, theses and conferences, which are all in English.

Finally, with regards to dates, I will be using a Hijri (a.h)/Common Era (c.e) format throughout this thesis with the exception of recent dates that occur in the last two centuries.

¹⁰² Kierkegaard, Søren., *Eighteen Upbuilding Discourses* (trans. Hong, Edna and Hong, Howard) (Princeton: Princeton University Press, 1990).

¹⁰³ Ar-Razi: Sayyid Shareef ar- *Nahj al-Balāgha – Imām ‘Alī b. Abī Ṭālib’s Sermons, Letters, and Sayings – Arabic and English*. Translated by Syed Ali Raza (Qum: Ansariyan Publications, 2007).

¹⁰⁴ Kant, Immanuel., *The Metaphysics of Morals*, translated by Mary Gregor (Cambridge: Cambridge University Press, 1991).

¹⁰⁵ Al-‘Ābidīn, Zayn. *The Psalms of Islām - Al-Ṣaḥīfat al-Kāmilat al-Sajjādiyyah*. Translated by William Chittick. (Qum: Ansariyan Publications, 1987)

Chapter 1

The Evaluation of Major Voices in the Islamic-Western Human Rights Discourse and Carving out a Role for the Self in the Discourse

The purpose of this chapter is to evaluate the dominant approaches in the Islamic-Western human rights discourse. There is a fundamental tension between Islamic and Western worldviews on the origin, nature and implementation of human rights in the world. This has resulted from, as Arkoun argues, an “intellectual impasse born of a frame of mind intent on thinking in terms of the polarity of an imaginary ‘Islām’ and its equally imaginary counterpart of the ‘West.’”¹⁰⁶ Several notable scholars have attempted to deal with this impasse by proposing various theories that could resolve differences in our understandings of what human rights are and should be in Islām. It is my contention that despite the merit of these theories, they do not offer a practical framework by which the two worldviews can be unified in accordance with an overarching concept. I argue that this overarching concept can be the self, which is the departure point of this thesis.

Moreover, the discourse of reforming human rights in Muslim scholarship in relation to Western conceptions of rights is primarily legal. This discourse, as of yet, has not taken into account what the self can offer for the reformation and implementation of human rights both within the Islamic worldview as well as the Western worldview. The discourse has primarily focused on critiquing Islamic law and theory whilst paying less attention to the creativity of Muslim sources in evaluating Western human rights systems. The forthcoming chapters will compare two key philosophers from Western philosophy, Immanuel Kant and Søren Kierkegaard, with two scholars from the Shī‘ī-Islamic tradition, ‘Alī. b. Abī Ṭālib and Zayn al-‘Ābidīn. This is in order to see how similar or different both systems are in their approaches to the self in relation to rights.

¹⁰⁶ Arkoun, Mohammed., *Islām: to Reform or to Subvert* (London: Saqi Books, 2006), p. 10. Theodore Gabriel also questions this dual approach, “‘Is Islām against the West? The perception has been gaining ground for some time now that Islām is against the western world and this has intensified since the incidents of 9/11. This is probably mainly a view from the western side there might be a feeling in the Muslim ummah also that since western intervention in the Gulf in 1990, the recent confrontation in Afghanistan, and the present Iraqi crisis, that subsequent to the mitigation of tensions between the East and the West or between the Soviet and the western blocks, the main antagonisms in the world are indeed between the Muslim world and the West, and that the countries of the West view the Muslim world as hostile to them. Are these perceptions credible and valid?’ Gabriel, Theodore, ‘Is Islām against the West’ in Geaves, Rob., Gabriel, Theodore., Haddad, Yvonne & Smith, Jane Idleman (eds), *Islām & the West Post 9/11* (Hants: Ashgate, 2004), pp. 13 – 47 at p. 13.

This also allows a firm theoretical basis by which to carve out a different discourse for the reformation of human rights through the self but which is grounded in both systems, rather than only one.

This chapter will examine how scholars within Muslim scholarship or those engaged with it are responding to challenges from Western scholarship about the nature of human rights within Islām. Scholars that are selected here are chosen on the basis that their responses are or were framed within the relationship between ‘Islām and the West’ and how Islām is able to or not able to answer these challenges. Thus, jurists and philosophers that only operate within their own Islamic or Western legal discourse without taking into account what the other has to offer are excluded. The term ‘Islamic’ in this chapter denotes the worldview and theories that are linked explicitly and implicitly to the Qur’ān and *sunnah* (tradition). ‘Islamic’ is not used monolithically but rather as an umbrella term that includes both scripture and scholasticism within the Muslim worldview which holds God, His Prophets and revelation as sacred or at the least, foundational to advance any human rights argument. I prefer ‘Islamic’ over ‘Muslim’ since the latter indicates more on culture, geography and demographic rather than the theoretical foundation of the religion (and its scholastic interpretation), which is what I am interested in. The term ‘Western’ denotes the worldview and theories that are linked explicitly and implicitly to secularism, which reduces the importance of scripture and heightens the emphasis on human intellect. This is a human-centric worldview. Whilst historically, revelation did hold importance in the Western world through religions such as Christianity (which will be explored through the contributions of Kant and Kierkegaard in chapters 2 and 3), currently revelation does not have such a status in public society.¹⁰⁷ Within Muslim societies (as diverse as they are), the Qur’ān and *sunnah*, still hold an abiding relevance in private and public life. These definitions are of course not exhaustive but are meant to indicate on the discourse of this chapter.

Finally, I have categorised responses of scholars to the issue of human rights in three areas: dialogue, scriptural and spiritual and jurisprudential and legal. In my view, these three areas constitute the main lenses by which the Islamic-Western human rights discourse is viewed. I will then proceed to critique these categories and justify why the concept of the self has an important contribution to make to this discourse. It is here I

¹⁰⁷ See the works of Charles Taylor who has argued modern Western civilization has entered a secular age with no sense of sacred centre. Taylor, Charles., *Sources of the Self* (Cambridge: Cambridge University Press, 2008) and *A Secular Age* (Massachusetts: Harvard University Press, 2007)

will give a precursor as to why this thesis significantly differs from current approaches in the field. Ultimately, the concept of the self, which will be elaborated in chapters two and three, offers a unique lens by which to view human rights. More importantly, it has the ability to be used in a meaningful practical framework which may solve the root tensions present within the human rights discourse of both systems (the subject of chapter four).

1. The Nature of the Discourse: The Concept of Human Rights and Points of Contention in the Islamic-Western Human Rights Discourse

There are many books on the history human rights and the purpose of the thesis is not to regurgitate the immense literature already available on the idea of human rights.¹⁰⁸ Rather, the question in this chapter is: what are the defining characteristics that have been the cause of tension between Islamic and Western worldviews and how have scholars approached these points of conflict? A distinction can be made between the term, ‘human rights’ and its ethos. The term itself is a modern one since it appears there is no historical usage of this term in older civilizations, both religious and non-religious.¹⁰⁹ However, the ethos of rights in society, that a human being or groups of human beings possessed certain rights, powers and responsibilities in relation to each other is extremely old. The dispute, however, lies in what constitutes an appropriate set of rights for human beings and where these rights come from. As human beings saw the horrors of wars and various injustices such as that of World War II, a commonly cited event that ignited the “conscience” of humanity¹¹⁰, major governments came to one basic understanding: that human beings carried an inherent value and this value should be respected. However, this value was understood in different ways. To some, it meant the natural rights human beings possess as a result of God’s own creation and attributes.

¹⁰⁸ For example, see Azizur, Raḥmān & Bhuiyan, Jahid Hossain., *An Introduction to International Human Rights Law* (Leiden and Boston: Brill, 2010), Landman, Todd., *Studying Human Rights* (London and New York: Routledge, 2006) and Runzo, Joseph., Martin, Nancy M & Sharma, Arvind., *Human Rights and Responsibilities in the World Religions* (Oxford: Oneworld, 2003). For a specific examination of human rights in Islamic law, the following thesis is useful: Al-Marzouqi, Abraheem Abdulla Muhammed., *Human Rights in Islamic Law* (University of Exeter, 1990). Link: <http://catalog.hathitrust.org/Record/003591187> (accessed 22nd December 2012).

¹⁰⁹ Douzinas has argued this point – see: Douzinas, Costas., *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (London: Routledge-Cavendish, 2007), pp. 15-24.

¹¹⁰ The notion of conscience is explicitly stated in the preamble of the Universal Declaration of Human Rights 1948: “...whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people...” Online at: <http://www.un.org/en/documents/udhr/> (accessed 22nd December 2012)

Others argued that this quality or value constituted the rights innate within human beings as a result of their own humanness, independent of the existence of God. The two strands of thought have been in opposition to each other ever since World War II in claiming ownership of where human rights came from and how they should be implemented. Thus, within the human rights discourse, the ‘religious’ worldview and ‘secular’ worldview formed.

Here, Islām is no different to Christianity and Judaism since these monotheistic religions agree that God is the source of all the intellective and creative power of human beings. Where the difference lies is in the current attention given to Islām’s political dimension and its ability to meaningfully connect in an increasingly globalised, pluralised and technological world.¹¹¹ This naturally brings the subject of human rights to the fore since the issue is whether Islām is able to relate to the way in which the modern human being lives. Here, Islām has been seen as increasingly barbaric, terrorist, uneducated, helpless, threatening, demeaning to women, isolationist and ultimately, out of place in ‘modern’ society.¹¹² The majority of these issues are to do with human rights – the implication being that Islām, as a religion, violates modern human rights and the dignity of human beings. This is one major reason why Muslim scholars are defending, reconciling or reforming Islām’s position on human rights.

Yet there is something more. Criticisms by Western scholars are not merely hollow, bias attacks on Islām. They have caused Muslim scholars to re-evaluate the position of Islām on key issues such as gender discrimination, slavery, participation in wider society and more which today are the subject of much tension within the Muslim world. This is primarily because Muslim jurists are using classical methodologies to derive laws for

¹¹¹ Emon also contextualises his work in light of the attention given to Islām in the public sphere: “the suspicions about Islām and Muslims tend to beg one important question that animates considerable debate in popular venues and the public sphere, i.e., whether or not Muslims, in light of their faith commitments, can live in peace and harmony with others, and treat all people, regardless of their faith traditions, with equal dignity and respect.” Emon: *Religious Pluralism and Islamic Law*, p. 1

¹¹² These reactions have also been termed as ‘Islamophobic’, which according to the Runnymede report 1997 refers to the “dread or hatred of Islam – and, therefore, to fear or dislike of all or most of Muslims.” In addition, Saied Reza Ameli reports that 13.4% of books and articles in Western academia exhibit or purposefully try to illicit the aforementioned reactions: Ameli, Saied Reza., *Bibliographical Discourse Analysis: The Western Academic Perspective on Islam, Muslims and Islamic Countries (1949 – 2009), volumes 1 - 4* (Wembley: Islamic Human Rights Commission, 2012), vol. 1, p. 43 and p. 46. For further information on Islamophobia, see: Ameli, Saied R., Marandi, Syed Mohammed., Ahmed, Sameera., Kara Seyfeddin & Merali, Arzu., *British Muslims’ Expectations of the Government - The British Media and Muslim Representation: The Ideology of Demonisation* (Wembley: Islamic Human Rights Commission, 2007) and Ansari, Fahad., *British Anti-Terrorism: A Modern Day Witch-hunt* (Wembley: Islamic Human Rights Commission, 2006).

modern problems which do not always have solutions in the Qur’ān and *sunnah* (since Prophet Muḥammad, his family and companions did not encounter some of the problems we are facing today). Thus, it becomes a hermeneutical exercise for Muslim scholars to re-interpret texts and oral evidence to carve out solutions faithful to revelation as well as the claimed universality of Islām. Historically, Islām was able to meet the social and moral challenges of its time but with colonialism, displacement, migration, globalisation, pluralisation and secularisation, Muslims became scattered across the globe and like any other social group or nation, had to re-assess how their religion could provide answers in a different environment.¹¹³ It is these somewhat natural factors not Islām’s inherent rigidity in closing the gates of *ijtihād* that has resulted in this re-evaluation.¹¹⁴

The issue of human rights forms a big part of this evaluation process by Muslim scholars and Western critics because it is intimately connected with modern life. Thus, the recent trends which I have briefly summarised above cause Muslim scholars to develop or at least, understand the scope of modern human rights within the worldview of Islām. But what have been the defining characteristics that have propelled them to do this? One can extract them from the following definition of human rights concisely outlined by Nickel. According to him, human rights are,

“Basic moral guarantees that people in all countries and cultures allegedly have simply because they are people. Calling these guarantees “rights” suggests that they attach to particular individuals who can invoke them, that they are of high priority, and that compliance with them is mandatory rather than discretionary. Human rights are frequently held to be universal in the sense that all people have and should enjoy them, and to be independent in the sense that they exist and are available as standards of

¹¹³ Esposito outlines the challenges Muslims have and continue to experience as a result of globalisation and secularisation, see: Esposito, John L., ‘Rethinking Islām and Secularism’, *ARDA Guiding Paper Series*, (State College, PA: The Association of Religion Data Archives at The Pennsylvania State University, 2010). Online at: <http://www.thearda.com/rrh/papers/guidingpapers.asp>. Pp. 1-26.

¹¹⁴ See Wael Hallaq’s article which cites several key arguments to show that the so-called ‘gates of *ijtihād*’ were never closed; for example, the continuous emergence of Muslim jurists including al-Ghazālī outlining the necessary qualifications to be a jurist, the increasing body of positive law that was developed during the 5th – 6th centuries (a.h), the role of more independent-minded jurists such as Ibn Surayj (d. 306/918), al-Tabari (d. 310/922), Ibn Khuzayma (d. 311/923) and Ibn Mundhir (d. 316/928) and the fact that up until 5 a.h, there was no mention of the term *insidād bāb al-ijtihād* (closing the gates of *ijtihād*) nor any evidence to show exactly what was closed and who closed it: Hallaq, Wael., ‘Was the Gate of *Ijtihād* Closed?’, *International Journal of Middle East Studies*, Vol. 16, No. 1 (Mar., 1984), pp. 3-41.

justification and criticism whether or not they are recognized and implemented by the legal system or officials of a country.”¹¹⁵

I have chosen Nickel’s definition of human rights because it neatly encapsulates the defining points of contention in the Islamic-Western human rights discourse. Nickel argues there are “moral guarantees” which human beings possess simply because they are “people.” This means that human beings have a set of rights which *prima facie* cannot be taken away by anyone, whether their fellow human beings or God Himself. These rights arise because of human beings’ humanness. They are people, meaning they have the ability to live, communicate and create. These defining qualities of people make them special and honoured and it appears there does not need to be any further justification for people to possess these moral guarantees. Even countries and cultures, as diverse as they are, cannot override these guarantees thus showing that changing social contexts of human beings are not a justification to remove these rights. Nickel goes so far as to say that compliance with these rights are “mandatory” showing human beings can demand and enforce the rights owed to them. This exemplifies the creative power of human beings. Nickel’s mention of the universality of human rights suggests human rights are aspirational, “that all people should enjoy them.” Human rights therefore become a moral project for humanity; they should be promoted and realised wherever human beings reside. This is also because human rights are “independent” of legal systems and officials, thus indicating on their moral nature as opposed to their legal nature. Whilst it may be that legal systems are required for the operation and functioning of human rights, they do not give these rights their existence. Human beings possess rights in themselves and they can exercise them when they wish.

Thus, we may extract from the above definition the following features of human rights: independent and natural rights, the worth and dignity of human beings, the universality of rights and the aspirational and active nature of rights. Human rights as an independent and natural entity signifies that human beings carry *a priori* rights that are not dependent upon any external source. Human beings are the carriers, givers and enforcers of rights and so revelation does not play a role in giving or guiding rights. This is a particular point of contention for the Islamic worldview since the Qur’ān is regarded to be the authentic revelation from God to Prophet Muḥammad as guidance for

¹¹⁵ Nickel, James. *Making Sense of Human Rights: Philosophical Reflections on the Universal Declaration of Human Rights*, (Berkeley: University of California Press, 1987), pp. 561-2.

humankind in their moral and social affairs. Prima facie, modern human rights conflicts with this worldview because the Qur'ān and Prophetic tradition do not play an active role in guiding these rights. Human beings are accountable to themselves in the way they understand and actualise rights in society, which diminishes the role of God's guidance through the Qur'ān. The natural aspect of human rights means that human beings possess rights by their nature; rights stem from human beings' natural biological, rational and social constitution. Again, this is in conflict with the notion that God is the Creator of human beings and bestows upon them moral and creative attributes. In modern human rights, God is no longer the originator or enforcer of human rights. In fact, religion is seen as restrictive to the development of human rights. Here, Arkoun has commented on the underlying epistemology of European modernity,

“European modernity, at least since the eighteenth century, has left us with the impression that reason could finally be liberated from the constraints of dogmatism in order to be placed in the service of objective knowledge alone, once a radical separation between every institutionalised religious law and the “neutral” state has been accomplished.”¹¹⁶

Arkoun's quote is apt; he describes European modernity has being liberated from dogmatism. In the Islamic worldview, God is at the centre of knowledge whereas in the Western worldview, God is seen to inhibit human knowledge and reduce humanity's confidence to think for itself, explore and progress within its own bounds.

The second point of contention is that Western human rights presume human beings have an inherent dignity and moral worth which entitles them to rights. Human beings are regarded as intelligent creatures with rational and moral agency that shows the capability for moral-decision making and social responsibility. Moreover, the fact that human beings have ownership of the world and make decisions about its progress shows they have unique and superior quality of life in relation to animals. This gives them an authoritative position in the world and if they are to inhabit and govern the world, then each human being requires a basic respect and worth. This is the modern notion of human dignity which although interpreted in different ways, is based on the idea of human beings' intellectual, creative and moral agency. The reason this conflicts with the Islamic worldview is that the ultimate dignity lies with God. God has to be recognised as

¹¹⁶ Arkoun: *Islām: to Reform or to Subvert*, p. 57.

the most dignified being who possesses an all-powerful, all-creative and all-moral agency. When we speak of human dignity today, it thrusts human beings at the centre of the world without recognising whether any other being could possess such a unique dignity. Moreover, whatever human beings possess comes from God and is a reflection of His worthy attributes. Whilst there is little issue with the creative agency of human beings, the notion of human dignity diminishes the dignity of God and severs the connection between God and human beings.¹¹⁷

The third issue is the universality of human rights. Human rights are seen to transcend religions, cultures, races, regions and governments and therefore cannot be curtailed or even challenged by anyone. They are rights which are so embedded within the existence of all human beings that they are necessary for the very survival and life of human beings. The right to life, shelter, family, privacy and so on define how human beings function on a daily basis. Denying these basic rights or making them dependent upon cultural interpretations and legal processes would diminish the quality of life that human beings enjoy. Thus, human rights are not only innate conditions for the flourishing of human existence but they are worthy goods to aspire to. If all human beings cannot be equally treated in the world or some are given more access to human goods than others, then the world itself would be a source of oppression and social imbalance.

The point of contention with the Islamic worldview is that whilst the ethos of creating a moral world through certain rights echoes the mission of Prophet Muḥammad¹¹⁸, the question is which rights are universal. Islām continues to theoretically accept the notion of slavery. Whilst this may not be practised in the modern world, Muslim jurisprudence still permits a slave to be freed in order to compensate for a missed fast. So when modern human rights claim that all human beings deserve a set of rights and these transcend religion, what becomes of the Prophetic *sunnah* which permits the practice of

¹¹⁷ For a discussion on human dignity in Islām, see Panjwani, Imranali., 'Human Dignity in Islām: The Notion of 'Rights of the Self' in the work of Zayn al-ʿĀbidīn as a Universal Framework to Cultivate Human Dignity', *Journal of Medical Ethics & Bioethics (Medicinska Etika & Bioetika)* (2012), vol. 19(1-2), pp. 2-6. For a discussion on the relationship between human dignity and religion, see: The President's Council on Bioethics., *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (Washington D.C.: The President's Council on Bioethics, 2008).

¹¹⁸ For example, Prophet Muḥammad is reported to have famously said, "I was appointed for Prophethood so that I may accomplish the important task of moral perfection." Al-Tūsi, Abū Ja'far Muḥammad b. Ḥasan. *Amāli al-Tūsi*. (Dar al-Ṭḥaqafah: Qum. 1994), p. 477. Also found in: Al-ʿĀmilī, Al-Hur. *Wasā'il al-Shī'a* (Qum: Ahlulbayt Institute. 1989), vol 12, p. 173 and in: al-Tabarsi, Mirza Ḥusayn al-Nuri. *Mustadrak al-Wasā'il wa Mustanbat al-Masā'il* (Qum: Ahlulbayt Institute. 1988), vol. 11, p. 191.

slavery? Or, if women are entitled to be free rational and moral agents, then how do Muslim scholars reconcile the notion that the husband is given greater legal agency? What happens when a woman does not want to obey her husband or divorce him out of her own will? This creates conflicts with those verses of the Qur'ān and *aḥādīth* (narrations) which indicate on a different set of rights for specific groups of human beings. Moreover, these rights stem from the Qur'ān and *sunnah* and so they cannot be said to be universal since modern human rights transcend religion. Thus, we have two interrelated conflicts. The first is the content of human rights and which rights are universal. The second is in the origin of these rights. Modern human rights stems from the human intellect and rational decision-making of human beings as individuals as well as a collective entity. This is actualised through legal and political processes such as parliament, a sovereign body representing the will of people through elected representatives. However, in Islām, the Qur'ān and *sunnah* give some basic content for human rights and act as the origins of human rights. Prima facie, human intellect is considered subsidiary here since God's revelation to Prophet Muḥammad shows God's intellect has priority. Whilst the Qur'ān and *sunnah* may not contain every human right, they nonetheless contain some (such as the legal authority of men and women, inheritance laws and modesty) and this already conflicts with the promotion of human rights in the world in accordance with human beings' own rational authority.

The final point of contention is in the aspirational and active nature of human rights. Douzinas has argued that modern human rights are actively promoted not just through democracy but also military humanitarianism.¹¹⁹ Democracy has been used as a viable framework for the flourishing of human rights i.e the executive, legislature and judiciary which allow the political will of people to be expressed and enforced in a free market, capitalist society. This political will is decision-making over the kind of rights people wish to live by and thus substantiates the rational and moral agency of human beings – a key feature of Western human rights. Humanitarianism is also explicitly linked with human rights because when a certain section of humanity does not possess basic amenities such as shelter and education or are the subject of torture and degradation, then those who are more fortunate consider it their responsibility to give these amenities to those less fortunate or stop injustices from happening to them. Through international charities and NGOs, modern human rights can be promoted and realised throughout the world. What is paradoxical, however, according to Douzinas is that there has been a rise

¹¹⁹ See Douzinas: *Human Rights and Empire*, pp. 51 – 90.

of military unilateralism since World War II where by nations take it upon themselves to impose democracy and human rights in countries which they see as inferior, barbaric or simply less human.

The conflict with the Islamic worldview is precisely the propagationist attitude of Western human rights. Muslim scholars see an inherent contradiction in the theory behind human rights and how it is practiced and implemented by Western states. Arkoun critically argues, “the self-promoting West does not even integrate in its geopolitical strategies the imposition of its world vision and ‘universal’ values, to counter the negative or positive perceptions other peoples and cultures are developing towards its policy.”¹²⁰ The underlying problem is what gives Western states the right to impose their understanding of human rights on other nations? Which interpretation of human rights trumps others, especially in the face of different religions and cultures that have norms unique to them? The issue of *ḥijāb* (veil) in Islām is one area of particular conflict.¹²¹ The Western worldview believes men and women are equally free to dress and behave as they wish thus allowing them to exercise their dignity more subjectively. The Islamic worldview, however, believes men and women must dress modestly and behave decently in order to reduce sexual corruption and set a virtuous example to their children and the rest of society. Here, each human being is morally responsible for the way he/she dresses and behaves and so dignity is seen in a more collective sense than the Western worldview. Now, if a Western nation decides that human rights are based on the empowerment of the human being which moves dignity closer towards autonomy, then Muslim scholars may respond by stating that actually dignity is closer to responsibility, at least in the area of modesty.¹²² Notwithstanding the different interpretations of dignity in both the Western and Islamic worldview, there is still an inherent tension between the worldviews because the former does not use revelation in understanding human rights whilst the latter does. What Muslim scholars dislike is the lack of consideration given by Western states for their own sources and mechanisms by which to understand modern human rights.

¹²⁰ Arkoun: *Islām: to Reform or to Subvert*, p. 117.

¹²¹ For further information on *ḥijāb*, see Shirazi, Faegheh., *The Veil Unveiled: The Ḥijāb in Modern Culture* (Gainesville: University Press of Florida, 2001)

¹²² For the Islam-West discourse on hijab, see: Allen, Anita L., ‘Undressing Difference: The Hijab in the West’, *Berkeley Journal of Gender, Law & Justice*, vol. 23 (2008), pp. 208-24 and Haddad, Yvonne Yazbeck., ‘The Post-9/11 Hijab as Icon’, *Sociology of Religion*, 68:3 (2007), pp. 253-267.

Linked to this is the human rights record of Western and Muslim states. Western states argue modern human rights are something to aspire for and should actively be promoted. However, Muslim nations and scholars, such as Abul A'la Maududi, constantly criticise Western states for double standards in the implementation of human rights.¹²³ Western scholars may criticise Islām as a terrorist religion but we find in history that many modern wars and invasions were initiated by Western states. According to Dixon and McCorquodale, prior to the United Kingdom's incorporation of the European Convention on Human Rights, it had a "dismal record" of protecting human rights.¹²⁴ Harris has further commented 'a state can usually flout international law if it wants to and get away with it.'¹²⁵ Muslim states today are certainly not blameless and we find countries such as Saudi Arabia being a major human rights offender in its treatment of women and minorities.¹²⁶ Thus, Western and Muslim states are both guilty of human rights violations today but the conflict with the Islamic worldview lies with the propagationist attitude of Western states towards Muslim ones who they deem to be less humanised when in fact the practice of Western states themselves needs to be critically examined.

Thus, the four areas examined here, independent and natural rights, the worth and dignity of human beings, the universality of rights and the aspirational and active nature of rights, form the basis of conflict between the Islamic and Western worldviews over human rights. They reveal different ontological and epistemological standpoints, conflicting content as to what human rights are and should be, the manner in which human rights should be promoted and finally, how much emphasis should be given to human beings over God. This is not to say that there are no similarities in the basic ethos that human beings deserve some kind of basic rights such as the right to life, shelter or privacy. Rather the issue is in what situations these rights should be applied and to whom. At other times, the case is more serious. There are those that argue Islām is not compatible with modern human rights and has its own rights discourse for its adherents, Muslims. And there are those that intend to reform Islām's legal theory or at the least,

¹²³ See Maududi, Abul A'la., *Human Rights in Islām* (Lahore: Islamic Publications, 1995) for numerous arguments throughout against the Western implementation of human rights.

¹²⁴ Dixon, Martin & McCorquodale, Robert., *Cases and Materials on International Law* (Oxford: Oxford University Press, 2003), p. 122.

¹²⁵ Harris, D.J., *Cases and Materials on International Law* (London: Sweet & Maxwell, 1998), p. 7.

¹²⁶ See the following reports, Amnesty International., *Saudi Arabia: Assaulting Human Rights in the Name of Counter-Terrorism* (London: Amnesty International Publications, 2009) and Human Rights Watch., *Human Rights and Saudi Arabia's Counterterrorism Response Religious Counseling, Indefinite Detention, and Flawed Trials* (Human Rights Watch, 2009).

adopt a reconciliatory approach. I will now examine these approaches by focusing on the responses by key scholars who have focused on these points of contention. In my view, their responses can be divided into three areas: the approach of dialogue, scriptural and spiritual approaches and finally, legal and jurisprudential approaches. I will explore and critique these areas and then proceed to justify why I think the Islamic-Western human rights discourse can be broadened by looking at the concept of the self and how it can contribute a different framework for human rights for both the Islamic and Western worldviews.

2. The Approach of Dialogue: Problematising the Islamic-Western Human Rights Discourse

Arguably, the most common approach to the Islamic-Western human rights discourse is to analyse key areas of conflict and identify the possibilities for reconciliation and reform. This is the approach of dialogue where the aim is to foster greater understanding of both worldviews. It does not necessarily use any specific discipline but is multi-faceted and draws upon philosophy, theology, law, sociology and politics to deepen our understanding of a particular conflict. By doing this, one accomplishes the purpose of dialogue. This is because, “the word dialogue is derived from *dia* (across, through) and *logos* (conversation, word)”¹²⁷ and through interaction we should aim to cross to the other side and understand the other person whilst simultaneously reflecting on who we are. There are however those that, in the words of Baderin, believe in an “adversarial”¹²⁸ dialogue that is opposite to any form of reconciliation. The works of Robert Spencer are an example of this approach which views Islām as an intolerant religion, incapable of adapting to other religions, evolving human needs and the Western world in general.¹²⁹ Mohamed Arkoun has also criticised scholars such as Bernard Lewis who think in terms of a polarity and division in their analyses of the Islamic tradition i.e there is an ‘Islām’ and the ‘West.’¹³⁰ There can also be a significant political element to this adversarial approach which aims to organise political opposition and even violence towards Western

¹²⁷ Shafiq, Muḥammad & Abū-Nimer, Mohammed., *Interfaith Dialogue: A Guide for Muslims* (Virginia: The International Institute of Islamic Thought, 2007), p. 1.

¹²⁸ Baderin, Mashood Al., ‘Islām and the Realization of Human Rights in the Muslim World: A Reflection on Two Essential Approaches and Two Divergent Perspectives’, *Muslim World Journal of Human Rights*, 4 (1), (2007), pp. 1-25.

¹²⁹ See Spencer, Robert., *Religion of Peace? Why Christianity Is and Islām Isn’t* (Washington: Regnery Press, 2007) and *The Truth about Muḥammad: Founder of the World’s Most Intolerant Religion* (Washington: Regnery Press, 2006).

¹³⁰ See Arkoun: *Islām: to Reform or to Subvert*, p. 10.

states and vice versa. The actors in this area, whether from the Western or Islamic worldview, argue that Islām and the West are incompatible, not just in terms of human rights but in terms of their view of the cosmos, moral and social order, religion, God and humanity.

Moreover, the adversarial approach is one that remains in an intellectual deadlock and perpetual conflict, which does not help the moral progress of humankind. Here, Arkoun argues that the reason why some Muslims take the position of incompatibility is the religious imaginary which they have created of Islām. They have created a narrative which paints a self-aggrandised and beautiful picture of Islamic history since the birth of Prophet Muḥammad. Prophet Muḥammad is seen to be the victor and saviour of humankind and his role must be resurrected today in order to repeat his successes in spreading Islām. The problem is that in the name of this imaginary, violence is justified against people and this presents a disturbing picture of the conception and promotion of Islamic human rights. Those who advocate this view are no different to Western governments that impose their own sense of human rights based on their imaginary of the world and so the world remains in a deadlock. Neither worldview is willing to negotiate or engage in dialogue as to the kind of rights that people can live by in harmony. Thus, whilst this is a known response to modern human rights, it is certainly not the most effective which as Arkoun states, makes humankind trapped in an anthropological triangle of “violence, sacred and Truth.”¹³¹ Therefore, I aim to examine those scholars that in the words of Baderin, have adopted a “harmonistic”¹³² attitude towards the Islamic-Western human rights discourse. These scholars, at the least, believe in deep intellectual engagement with both the Islamic and Western human rights legal systems. I will now examine and critique Sachedina and Mayer who advocate the process of dialogue.

2.1 The Approaches of Abdulaziz Sachedina and Ann Elizabeth Mayer

Abdulaziz Sachedina is a prime example of this approach because his works are based on problematising the discourse then finding those values which are harmonious or parallel in both worldviews and finally, promoting the use of legal, social and political processes to actualise the dialogue process. He comments on the need for Muslim

¹³¹ Ibid: p. 382

¹³² See: Baderin: ‘Islām and the Realization of Human Rights in the Muslim World’, pp. 1-25.

seminarians and secularists to engage in dialogue with each other, the shift required from a theological-juridical discourse in Islām to one of personhood and natural rights, a multi-disciplinary approach in the Islamic tradition that combines ethics, law and theology, the importance of privatising certain aspects of Islām like the involvement of Muslims jurists in personal affairs of Muslims, using the historical discourse on rational justice and *amr bil ma'rūf* (enjoining that which is befitting) and *nahi anil munkar* (prohibiting that which is detestable), as advocated by classical Shī'ī and Mu'tazilah scholars¹³³ and finally, the potential use of *fiṭrah* (primordial nature) in human beings as a relevant consideration in human rights discourse. Many of these points of dialogue are identified but not explored fully since the aim is to create a broad understanding of the Islamic-Western human rights discourse and specifically, "common moral terrain" between the two worldviews. He argues,

"To forgo an opportunity to engage traditional Muslim scholars to rethink their anti-Declaration stance and challenge them on their own terms to recognize that Islamic revelation and the Declaration share the common moral terrain to protect individuals from oppression will be detrimental to the overall goal of the universality of the secular document in garnering support for its implementation in the Muslim world."¹³⁴

There is a presumption here that the Universal Declaration of Human Rights 1948 (UDHR) provides a standard model of human rights for the world and Sachedina expresses his "unflinching support" for it.¹³⁵ This is in light of international legislation such as the Cairo Declaration for Human Rights in Islām 1990, which although is an attempt to universalise an Islamic conception of human rights, is limited in its scope. This is because its stakeholders are Muslims, rights ultimately originate from shari'ah and the legislation itself is not applicable to non-Muslim and cannot influence wider norms.¹³⁶ We are left with the same problem as before – that Islām's social vision and laws

¹³³ For further information on *amr bil ma'rūf* and *nahi anil munkar*, see: Cook, Michael., *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2010). For argumentation on the derivation of *amr bil ma'rūf* and *nahi anil munkar* from the Shī'ī perspective, see: Al-Irwānī, Bāqir., *Durūs Tamhīdīyyatun fī al-Fiqh al-Istidlālī*, volumes 1-3 (Qum: Mu'assisa al-Fiqh, 2005), vol. 1, pp. 557 – 567.

¹³⁴ Sachedina, Abdulaziz., *Islām and the Challenge of Human Rights* (Oxford: Oxford University Press, 2009), p. 9.

¹³⁵ Ibid: p. 208.

¹³⁶ For example, article 10 of the Cairo Declaration prohibits the compulsion of a person to convert him to another religion or to atheism. But then what about compelling somebody to become Muslim? And, article 24 express that all the rights and freedoms stipulated in this Declaration are subject to the Islamic shari'ah. However, who defines shari'ah and is this subjected to public scrutiny? See <http://www.oic-oci.org/english/article/human.htm>

operates within its own paradigm and is disconnected to other valid sources of law outside of this paradigm. Thus, Sachedina turns to the UDHR as offering a viable model for human rights which although not perfect and is abused by Western governments, needs to be engaged with by Muslims. It is here that Sachedina teases out the pliable principles from the Qur'ān, *sunnah* and Muslim scholarship as mentioned above which can be used as points of dialogue and further scholarly deliberation within the Muslim world.

In a similar vein, Ann Elizabeth Mayer argues that, “Islamic heritage offers many philosophical concepts, humanistic values, and moral principles that are well adapted for use in constructing human rights principles. Such values and principles abound even in the pre-modern Islamic intellectual heritage.”¹³⁷ This is the same tone as Sachedina; the notion that Islamic heritage contains adaptable principles to engage with modern human rights. Mayer does not deeply outline what these principles of engagement are but emphasises that the Mu'tazilite tradition of elevating the role of reason in guiding human affairs is a good starting point. Muslims can also use international human rights law to meet their moral, social and political needs and commenting on a somewhat paradoxical shift, Mayer argues,

“Thus, a potential shift lies before us; we may be facing decades in which the United States will be moving farther away from the international human rights system while Islamic thinkers and people in Muslim countries more generally will be growing more attracted to international human rights law, seeing in it principles that acknowledge the legitimacy of their most pressing concerns and complaints.”¹³⁸

Whilst Sachedina and Mayer give a great deal of respect to the creative capacity of the Islamic intellectual tradition, international human rights law continues to be a *modus operandi* in their works. It is through the fundamental recognition of these instruments that dialogue between the Islamic and Western worldview can take place thus allowing for necessary reform within Muslim scholarship and for Muslim states to reconcile with modern human rights. Presumably, the current socio-political processes within

¹³⁷ Mayer, Ann Elizabeth., *Islām and Human Rights: Traditions and Politics* (Colorado and Oxford: Westview Press, 1999), p. 43.

¹³⁸ Mayer, Ann Elizabeth., ‘The Islām and Human Rights Nexus: Shifting Dimensions’, *Muslim World Journal of Human Rights*, 4 (1), (2007), pp. 1-27 at p. 27.

international law and states themselves will offer sufficient space and voice for this reform in Muslim scholarship to take place. Emon articulates that,

“By creating and regulating institutions of Muslim civil society, the government will provide an equal playing field for diverse voices in the Muslim community to articulate competing visions of Shari’a values. No single Muslim voice will be empowered by the state; rather, the state will provide an equal playing field for all voices to be heard, thereby contributing to debate and dialogue between competing civil society groups.”¹³⁹

A similar point is made by Sachedina who argues that Islām needs “functional secularity” through citizenship but also through the equality of creation.¹⁴⁰ Civil society and functional secularity here mean the society which holds the right to free speech, democratic participation and privacy as cornerstone legal, political, moral and social values – very much in line with the Western worldview of rights. Moreover, it is not necessarily the foundation or purported values of Islām as a religion that is part of this dialogue. Rather, it is Muslim voices and the plethora of Muslim interpretations that form the substance of the discourse on human rights between Islām and the West. Overall, therefore, if the Islamic-Western human rights discourse is to tread on the path of dialogue it must be given a voice and place of engagement through civil institutions. At the same time, the Islamic tradition must tap into its multi-faceted philosophical and legal heritage to accommodate the UDHR or at least, positively engage with it.

2.2 Critiquing the Dialogue Approach

Whilst Sachedina does look at key scriptural and philosophical principles within the worldview of Islām and Mayer alludes to these, they do not go deep enough in specifying a viable framework by which this dialogue can take place. The question remains as to exactly who constructs a viable framework to address the points of conflict in the two worldviews. In fact, after analysing the points of conflicts and reconciliation in the Islamic-Western human rights discourse, Mayer concludes:

¹³⁹ Emon, Anver M., ‘Conceiving Islamic Law in a Pluralist Society: History, Politics and Multicultural Jurisprudence’, *Singapore Journal of Legal Studies*, (2006), pp. 331-355 at p. 354.

¹⁴⁰ Sachedina: *Islām and the Challenge of Human Rights*, p. 207.

“Taking stock, we must recognize that the Islām and human rights relationship is regularly readjusting in response to a changing environment, so that the questions that will be being addressed over the next decades will not likely be the same ones that Muslim societies and Islamic thinkers have been wrestling with to date.”¹⁴¹

However, this leaves us in a position of engagement but without concrete solutions. Sachedina also leaves us in a similar position where we must “work together to make this world an ideal place for all human beings to live in harmony and peace.”¹⁴² It is here that the approach of dialogue becomes severely limited. None of the authors above actually articulate what this adaptable and evolving framework for modern human rights from the Islamic perspective will look like. They have certainly problematised the discourse and identified key areas of conflict and broad points for engagement but none of these are cohesively tied together to produce a workable system for Muslim scholars, nations and Muslims themselves. Moreover, much of the dialogue that is promoted is from the perspective that international human rights are a benchmark for the conception of modern human rights. What progress do Sachedina and Mayer want here – the progress of international human rights law, the ideals of Islām rooted in mercy and justice, the values of the West rooted in liberalism and pluralism or a combination of all three? This remains unclear.

In fact, Afshari criticises Mayer for sparing,

“...the liberal Muslims from the vigorous critique that has become her academic hallmark. Liberal Muslims help to re-move Islām from the spotlight of criticism. Thus, Islām is rendered innocuous and malleable, emptied of its historical essence, which centered on the sharp, immutable distinction between believers and non-believers, between those who submitted and those who did not. What remains as the only subject of inquiry are the many different readings of Islamic traditions, a few of which appear to be compatible with universal human rights norms.”¹⁴³

Secondly, Sachedina’s and Mayer’s approach can be criticised as a Eurocentric and/or Euro-American one which considers the historical experience and current understanding

¹⁴¹ Mayer: ‘The Islām and Human Rights Nexus’, p. 27.

¹⁴² Sachedina: *Islām and the Challenge of Human Rights*, p. 208.

¹⁴³ Afshari, Reza., ‘Islām and Human Rights: Tradition and Politics (review)’, *Human Rights Quarterly* 22, 1 (2000), pp. 314-322 at p. 320.

of human rights by European and American countries as relevant for all human beings.¹⁴⁴ Sachedina and Mayer comment on the issue of Eurocentrism but in my view, do not go far enough in evaluating exactly what may be wrong with the current conception of modern human rights, as framed within a Euro-American perspective.¹⁴⁵ Human rights abuses by Western and Muslims nations are often cited in the aforementioned scholars' works but there is never a sufficient investigation as to why this happens. Is there something flawed about modern human rights itself, as promoted by the Western worldview? This is a question which Costas Douzinas critically explores in his works (which I shall explore later on in this chapter) and thus there needs to be open problematisation not just about the Islamic worldview but the Western one as well.

Sachedina's and Mayer's approach may be categorised as 'Islamoromic', which is a type of Western academic discourse of Islam termed by Saied Reza Ameli. Islamoromic works "...contextualise Islam in the bosom of the Roman tradition (embodying the West in general and from a historical perspective)" and "try to compare Islamic ethos with Western values; while the jury is still out on the debate, many works in this category - thinking, evaluating and comparing Islam with and in a Western mindset, pronounce their favour for Western values and norms as superior, the more practical and less ornamental side of the binary."¹⁴⁶ According to Ameli, works in this section represent the highest percentage out of all the discourses Western academia uses to analyse Islam.¹⁴⁷ 48.4% of works are Islamoromic which constitutes 11,563 items out of the total 23,872 academic items Ameli analyses. This significant number shows that a notable amount of scholars, Muslim or non-Muslim, may "try to present...the desirable domesticated Islam which poses no threat to the Western value system, on the one hand, and does not, as a result, engage in the clash of civilisations, on the other."¹⁴⁸ The key issue, according to Ameli, is whether the majority of works in this section represent "the

¹⁴⁴ For an examination of the various types of Eurocentrism, see Ameli: *Bibliographical Discourse Analysis*: vol. 1, pp. 18 – 19.

¹⁴⁵ For a specific evaluation of the Euro-American view of knowledge, see: Lal, Vinay., *Empire of Knowledge: Culture and Plurality in the Global Economy* (London: Pluto Press, 2002). See also the Multiversity project - Alvares, Claude., "Recapturing Worlds - The Original Multiversity Proposal", http://vlal.bol.ucla.edu/multiversity/Right_menu_items/Claude_proposal.htm and Lal, Vinay., "Modernity, Frameworks of Knowledge and the Ecological Survival of Plurality: An Introduction to the Multiversity Enterprise - United States Chapter", <http://vlal.bol.ucla.edu/multiversity/default.htm>. (Accessed 4th September 2012).

¹⁴⁶ Ameli: *Bibliographical Discourse Analysis*, vol. 1, p. 49.

¹⁴⁷ These discourses are Islamophobia, Islamophilia, Islamoromia, Islamoverita and Neutral. For elaboration of these discourses, see: Ibid, vol. 1, pp. 11 – 72.

¹⁴⁸ Ibid, p. 50.

post-colonial approach to the Orient' which shows "a gradual shift from hard colonisation *in* the East to soft colonisation *of* the East."¹⁴⁹ In the context of human rights, such analysis is crucial as it shows that Sachedina's and Mayer's conception of reforming Islamic rights is understood within the Western paradigm of human rights. However, their analysis does not sufficiently engage with Islam's own sources to produce a conception of human rights that is both original and even challenge the Western notion of rights.

Thirdly, the approach of dialogue does not deal with the hard cases of conflict in the Islamic-Western human rights discourse. Issues such as slavery, modesty, gender equality, financial rights, free speech and religious pluralism require greater theoretical deliberation. This of course is dealt with extensively in the legal and jurisprudential approach (which I will elaborate on shortly) but nonetheless, shows the limited nature of viewing human rights discourse the lens of dialogue. It is important to recognise observable conflicts within the social milieu of Muslims and Westerns, how Muslim and Western states may react to each other's culture and values, the parallel points of discourse in both systems and the need to engage with these values but the approach of dialogue does not go far enough in providing solutions to the conflicts. In fact, whilst on the one hand, the adversarial approach can lead to an intellectual deadlock and even violence, the approach of dialogue can maintain the status quo for the goal is not to provide frameworks but only conversations. Conversation is not just the task of this thesis; my aim is to construct a practical framework for human rights through the self using both Islamic and Western sources. This would create a different discourse altogether which goes to the heart of human rights conflicts. As such, despite the merits of viewing the human rights discourse through the lens of dialogue, ultimately it is too limited to offer practical solutions for the points of contention which I previously outlined in this chapter. I will now go on to discuss another popular approach taken by scholars in this discourse which is the scriptural and spiritual approaches.

3. Scriptural and Spiritual Approaches

The scriptural and spiritual approaches to the Islamic-Western human rights discourse are firmly rooted in using the Qur'ān and sunnah to respond to the points of contention in the discourse. This involves using specific verses, historical incidents, sayings, actions

¹⁴⁹ Ibid, p. 39.

and the tacit approval of Prophet Muḥammad and his companions (Imāms in the Shī‘ī view) to articulate doctrines about the Islamic worldview towards human rights. There is however a distinction I have made here between scripture and spirituality, despite the interrelated nature of both areas. By the scriptural dimension, I mean the explicit use of the Qur’ān and sunnah as described above to respond to human rights challenges. These two core sources offer the content and substance of Muslim scholars’ responses to the discourse, independent of Western philosophies and methodologies. The spiritual dimension, however, whilst has its roots in the Qur’ān and sunnah is explicitly linked to ‘*ilm al-falsafa*’ (the science of philosophy) and ‘*ilm al-irfān*’ (the science of gnosis). This means that the spiritual response to modern human rights is based on the contributions and ideas of classical and post-classical Muslim philosophers coming from a range of sectarian, cultural and geographical backgrounds. Rūmī (d. 672/1273), Ibn ‘Arabī (d. 638/1240), and al-Ghazālī (d. 1111) are examples who offer scholars and educators such as Fethullah Gülen the content and rational basis for a human rights vision steeped in Islām’s long standing spiritual tradition. I will tackle the scriptural approach first.

3.1 Scriptural Approach: Abul A’la Maududi

Abul A’la Maududi is a good example of a scholar who used Islamic scripture to respond to the challenge of modern human rights in the 1970s.¹⁵⁰ Although now many scholars discussed in this chapter have superseded this approach, his style is extremely relevant in showing how classical Muslim scholars particularly those operating within *madāris* (schools), *hawzas* (seminaries) and *dār al-ulūm* (houses of knowledge) view human rights. His approach is also reflective of the attitudes of lay Muslims since the use of the Qur’ān and sunnah is not just an intellectual exercise; the two sources are the foundation of a Muslim’s social, moral and political life. They are intimately connected to Muslims by the interpretations given by traditional Muslim scholars. When the *shaykh*, *maulana*, *mulla* and ‘*ālim*’ (terms often used interchangeably to denote a Muslim scholar who has studied in a traditional Islamic seminary) gives a *majlis* (lit. seated gathering but denotes a lecture) from the mosque pulpit, the Qur’ān and sunnah form the basis of the intellectual content of the lecture. Even when one puts the lecture aside, every Muslim has access to the Qur’ān or its translation as well as the sunnah. Thus, any scholar that responds to the Islamic-Western human rights discourse explicitly using

¹⁵⁰ For further information on the background of Maududi, see: Oh, Irene., *The Rights of God: Islām, Human Rights and Comparative Ethics* (Washington: Georgetown University Press, 2007), pp. 36 - 55.

these two sources is actively connecting to and influencing the mindset of Muslims, whichever sect they belong to. The scriptural approach therefore is on a different intellectual track to the legal and jurisprudential approaches since it closely relates to the concerns and attitudes of Muslims. The legal and jurisprudential approaches, which I will explain shortly, are closer though to the scriptural approach since the use of *fatāwa* (legal opinions) is based on using *ijtihād* (the employment of effort to derive a law from its sources) to derive laws from the Qur'ān and sunnah for all evolving social situations. The difference is that the legal and jurisprudential approach is significantly more technical than the scriptural one since the former uses *uṣūl al-fiqh* (the principles of jurisprudence) to explain its position whereas the latter needs only recourse to verses and narrations which are easily accessible to Muslims.

Maududi's response to the Islamic-Western human rights discourse was one of the earliest within the folds of both Western academia as well as traditional Muslim seminaries. His arguments and style reflected the aforementioned connection with the Muslim mindset towards Western powers but more importantly, demonstrated that the Qur'ān and sunnah could be used as modern sources to respond to the discourse. Maududi's basic premise is that Islām's political system is based on *tawḥīd* (Oneness of God), *risāla* (Prophethood) and *khilāfa* (Caliphate). These principles directly stem from the Qur'ān since God proclaims He is One, Prophets are their to guide human beings based on the revelations they receive from God and finally, human beings are seen as God's vicegerents on earth to implement Prophets' teachings after Prophets pass away. In Sunni Islām, caliphs take on this responsibility of vicegerency, hence the notion of the *al-khulafa al-rāshidūn* (the rightly-guided caliphs) and in Shī'ī Islām, the Twelve Imāms continue the role of leadership after Prophets. God is at the centre of the Islamic social worldview; He is the possessor and bestower of rights and understands the true nature of these rights. Prophets are chosen by Him to spread His message to human beings through revelation. The words and deeds of Prophets encompass the majority, if not all, of human affairs and therefore should be taken as the first source of practical guidance for human beings to live their lives. Finally, khilafa means that human beings are given the honour of representing God, being his faithful trustees and are meant to administer affairs on earth in accordance with God's commands. Thus, whilst caliphs or Imāms

continue Prophetic leadership, Muslims in general share in this wider authority of responsibility to uphold the Qur'ān and sunnah.¹⁵¹

Based on tawhīd, risala and khilafa, Maududi argues there are two conceptions of human rights, Islamic and Western. The latter, he argues, is a modern concept and in fact, Western nations were barbaric ones before the 17th century. The Enlightenment period signalled the birth of modern human rights but before that, Western nations were more backward in their ideas about human rights than Islām. Here, he refers to Islām as a religion; concepts contained in the Qur'ān and sunnah were significantly more advanced about human rights than Western notions in the 17th century. He further makes the claim that even today, Islamic human rights can be considered superior to Western human rights not just in their content but because Western powers are hypocritical in their implementation of human rights.¹⁵² Thus, Maududi sets up a dichotomy between the two worldviews. The attitude is not one of reconciliation but critique with a view to establish the supremacy of Islamic human rights. Yet, what exactly are these rights? He goes onto categorise them as 'basic human rights', 'rights of citizens in an Islamic state' and 'rights of enemies at war.' All of these categories stem from God's teachings to Prophet Muḥammad and the rights that are derived from here "are not like philosophical concepts."¹⁵³ Scripture, therefore, is seen as an independent source of knowledge which cannot be questioned by human beings. This already makes the Islamic conception of human rights explicitly connected to a sacred source which supersedes other notions of human rights.

Basic human rights include the right to life, safety, basic standard of life, individual freedom, not to be enslaved, to be justly treated, to co-operate with each as well as respect for the chastity of women and the equality of human beings before the law. All of these directly stem from the Qur'ān and sunnah. For example, the right to life is established by the verse,

"That is why We decreed for the Children of Israel that whoever kills a soul, without [its being guilty of] manslaughter or corruption on the earth, is as though he had killed all mankind, and whoever saves a life is as though he had saved all mankind. Our apostles

¹⁵¹ See Maududi, Abul A'la., *Human Rights in Islām* (Lahore: Islamic Publications, 1995), pp. 5 – 10.

¹⁵² Ibid: pp. 11 – 13.

¹⁵³ Ibid: p. 12.

certainly brought them manifest signs, yet even after that many of them commit excesses on the earth.”¹⁵⁴

Thus, anyone that kills a person it is as if he/she has killed the whole of humankind. The right to life guarantees that everyone deserves to live. With regards to the right to freedom, Maududi reports a ḥadīth from Prophet Muḥammad, cited in the classical Sunni ḥadīth books, *Saḥīḥ Bukhārī* and *Sunan ibn Mājah* where he states, “there are three categories of people against whom I shall myself be a plaintiff on the Day of Judgement. Of these three, one is he who enslaves a free man, then sells him and eats his money.”¹⁵⁵ He extracts two principles here – the right to be free and the right not to be enslaved. He also cites the historical practice of Prophet Muḥammad in encouraging others to free slaves to expiate sins and when there were slaves in society, he treated them well (in comparison to Western powers who initiated the slave trade and put their slaves through terrible conditions), as support for this right. A similar methodology is employed for all other rights in this category as well as in the other two categories, rights of citizens in an Islamic state and rights of enemies at war.

In particular, with regards to right of citizens in an Islamic state, Maududi cites the treatment of *dhimmis* (non-Muslims in an Islamic state) to show Islām’s fairness towards non-Muslims in the freedoms it afforded them to practice their own faith as well as the freedom of conscience to show that Islām cannot be forced upon anyone. Several other rights are cited which broadly correlate to the UDHR but are expressed within language of the Qur’ān and context of Islamic history. So the right to the freedom of expression is an Islamic human right provided that one’s expression is used for truthfulness and justice, otherwise a human being has a right to reprimand that person. Finally with regards to the right of enemies at war, Maudidi argues Western nations had little conception of international law before the intellectual contribution of the thinker Grotius whereas Islām contained principles of how to treat its enemies; Prophet Muḥammad has famously said that during wartime, “do not kill an old man, woman or child.”¹⁵⁶ Together, these categories form the content and vision of Islamic human rights which Maududi has extracted using the Qur’ān and sunnah.

¹⁵⁴ Qarā’ī, ‘Alī Qulī., *The Qur’ān: With a Phrase by Phrase English Translation*. (London: ICAS Press, 2004), 5:32.

¹⁵⁵ Maududi: *Human Rights in Islām*, p. 17.

¹⁵⁶ Ibid: p. 36.

3.2 Critiquing Maududi's Approach

The scriptural approach by Maududi has some merits in trying to bring the Qur'ān and sunnah into the contemporary debate over the content of modern human rights. Indeed, this was his aim as expressed in his conclusion.¹⁵⁷ It also shows the capacity of the Qur'ān to relate to modern human rights issues and gives both Muslims and non-Muslims an understanding of the kind of rights that existed in Prophet Muḥammad's society. However, when we evaluate the underlying foundations of this approach, it has many failings the most important of which is in Maududi's usage of Qur'ānic verses and narrations. When he extracts the various categories of rights, he is assuming that the verses had a prior scope to include these rights. Yet when we look at the majority of verses and narrations he uses, they were revealed in a specific context. So, the verse on taking life as above was addressed to the Children of Israel because they abused the Prophets that came to them and committed excesses in their society. Or when he comments on the right for people to revolt against government tyranny, he cites the verse, "Allah does not like the disclosure of [anyone's] evil [conduct] in speech except by someone who has been wronged, and Allah is all-hearing, all-knowing."¹⁵⁸ Here, he is extracting the idea of revolt against a government through the notion that evil should be noised in public except where there is injustice. This verse is in the context of the conduct of hypocrites and nowhere is there mention of a government. Thus, the verse stems from a particular context but in its literary construction, is general.

The problem with the above approach is one of anachronism. The rights he specifies are in fact modern human rights enshrined in instruments such as the UDHR. These rights were agreed by human intellect, agreement and decision-making. Even if they were inspired by revelation, the formulation of these rights were independent to scripture. Maududi's claim that these rights are already contained in the Qur'ān is weak because the verses of the Qur'ān and narrations can be interpreted differently and do not explicitly point to substantive rights. This is the task of the human mind – to come up with a set of rights for the harmony of society. If this is the case, what is the difference between Maududi's approach and the epistemological foundations of Western human rights? Western human rights are based on the free use of human intellect and moral

¹⁵⁷ He states, "on the one hand, it refreshes and strengthens our faith in Islām when we realize that even in this modern age which makes such loud claims of progress and enlightenment, the world has not been able to produce juster and more equitable laws than those given 1400 years ago." Ibid: p. 39.

¹⁵⁸ Qarā'ī: *The Qur'ān*, 4:148.

agency but this is exactly what Maududi has done. He claims that Islamic human rights are not like philosophical concepts, that God's teachings exist in an independent domain of knowledge and that all rights must be examined in accordance with the sharī'ah. Yet he is creating the sharī'ah through his use of reason and his list of rights become philosophical concepts because he has extended the application of verses of the Qur'ān to modern issues and conceptual frameworks. His notion of *shūra* (consultation) is a stark example. He argues that the Qur'ān advocates consultation amongst people, that people should freely elect the executive, there should be representatives and the mass vote carries political weight. Yet this is democracy. What is the difference between Islamic human rights and Western human rights here? If Western human rights are affording me consultation as well as the right to life, privacy, free speech and more, then why should the Qur'ān and sunnah be valuable sources for this guidance? This is the major criticism that stares in the face of Maududi's intellectual methodology rendering the scriptural approach one of apologetics and polemics rather than as a consistent and substantive approach to modern human rights. Mohsen Kadivar and Mayer have also levelled the same criticism of this kind of methodology.¹⁵⁹

Whilst Maududi's attempt is to show the human rights vision present in the Qur'ān and sunnah, other verses from the Qur'ān can be used to oppose this vision. He claims that the Qur'ān respects the convictions of other religions and social groups and historically, protected dhimmis. However, one may cite the verse, "O you who have faith! Do not take the faithless for friends instead of the faithful. Do you wish to give Allah a clear sanction against yourselves?"¹⁶⁰, to show that the Qur'ān is not encouraging close relationships with unbelievers. Of course this is in a different context involving the actions of hypocrites but I have cited the verse to show how the Qur'ān can be used against itself if there isn't a consistent methodology over the selection of verses. There is also little mention of the hard cases in the Islamic-Western human rights discourse: the disparity between the legal authority of man and woman, the financial inheritance of a

¹⁵⁹ Kadivar argues scriptural hermeneutics is merely "endless patchwork" for deep rooted conflicts with Western human rights - Kadivar, Mohsen., 'Human Rights and Intellectual Islām' in: Vogt, Kari., Larsen, Lena & Moe, Christian Moe (eds), *New Directions in Islamic Thought: Exploring Reform and Muslim Tradition* (London: I.B Tauris, 2009), pp. 47-69, at p. 60. And, Mayer states, "instead, they merely assemble pastiches of ideas and terminology drawn from two very different cultures without determining a rationale justifying these combinations or a way to reconcile the conflicting premises underlying them" (p.49) and "the result is an ad-mixture of Islamic and Western elements, replicating alien formulations of human rights and constitutional principles" - p. 183 in *Islām and Human Rights*.

¹⁶⁰ Qarā'ī: *The Qur'ān*, 4:144.

woman, the worth of a woman's intellect, the notion that a slave can be freed in order to compensate for a fast, the question of apostasy in Islām and more. Maududi's approach is not self-evaluative; he presumes there is no problem with these issues and is content on exploring the problems of Western human rights. He also uses predominantly Sunni sources for his approach showing that the contributions or experiences of other sects such as the Shī'a are not important. Thus, his claim that these human rights are 'Islamic' is relative to his sectarian position.

Overall, what appears to be the fundamental problem in Maududi's approach is that it focuses on a historical version of Islām that is equated as a kind of static utopia. The rights that Maududi lists are essentially the actions of Prophet Muḥammad in his own society, stemming from the *Al-Sahīfat al-Madīnah* (Charter of Madinah) and he has merely re-expressed these rights in today's age when in fact there are new human rights problems not dealt with by revelation. Arkoun terms this kind of approach as the "Official Closed Corpus."¹⁶¹ This is the corpus of the aforementioned ḥadīth books compiled in the 8th – 10th centuries produced by Shī'ī and Sunni scholars who are regarded by the Muslim community as beyond scrutiny and which provide the base narrative of interpreting religion. Arkoun argues that actually there was a gradual formation of imperatives, beliefs and cultural norms by classical Muslim scholars using these books which cemented an idealised narrative of Islām such as notion that the whole *ummah* (nation) will not agree on an error. This has created a dogmatic theological enclosure and propelled the corpus to the level of the Qur'ān itself. Today, however, one requires a wider base of intellectual sources to deal with the variety of social problems facing human beings and not be restricted by the narrative constructed in core books of ḥadīth. The scriptural approach therefore becomes limited because it does not offer a deep methodology which can tackle evolving human rights problems. Another interrelated approach is the spiritual approach, which I will now comment on.

3.3 Spiritual Approach: Fethullah Gülen

The spiritual approach towards the Islamic-Western human rights discourse aims to show the metaphysical and philosophical vision of God for human beings i.e what God intended for the life of human beings when He created them and what should human beings' connection be with God. By understanding this vision, human beings would be

¹⁶¹ Arkoun: *Islām: to Reform or to Subvert*, p. 81.

in a better position to formulate rights about each other, towards God and to create a harmonious and just society. Fethullah Gülen is the main proponent of this approach and situates his conception of human rights in his overall vision of reviving and reforming the global Muslim community. Although his focus is on Turkey, Gülen's values have been turned into an international movement, known as the 'Gülen movement.' The reason his values have had such a global appeal is because of their universality and applicability over the various contexts and problems Muslims find themselves. Universality and applicability are key values of modern human rights and there is an immediate sense of correlation with Gülen's ideas. Gülen believes in peaceful dialogue with Western nations, interfaith dialogue, emphasis on the spiritual dimension of Islām, often known as '*ilm al-'irfān*, the collaboration of faith and science, the compatibility of Islām and democracy, working closely with grassroots Muslims and professionals to solve social and moral problems (rather than just collaboration with intellectuals and politicians) and the development of civil society organisations such as media and charitable institutions which promote the welfare of human beings as well as diversify Muslims sciences and contributions to the world. Together, these values transform Islām from a historical religion to an active, vibrant movement capable of contributing its values and heritage to Muslims and the rest of the world. It is for this reason Gülen is often known as a "*mujaddid*" (renewer).¹⁶² This ethos is important for Gülen's approach to human rights because they provide us with some key epistemological foundations that can be compared with Western human rights.

There are three foundations which Gülen identifies as the basis for an Islamic conception of human rights. These are a human being's freedom of choice and willpower, the second is a human being's capacity for personal and social development and the third is a human being's awareness of both worldly and otherworldly or spiritual rights. What is interesting about these foundations and which marks departure from the views discussed so far is that they are explicitly based upon key spiritual doctrines of Islām. These doctrines are connected to the Qur'ān and sunnah but Gülen builds on them to formulate a dynamic spiritual view of the world. This view is not only adaptable to modern situations but gives human beings an understanding of their own existence in this world and the hereafter. The first foundation, a human being's freedom of choice and

¹⁶² Keles, Ozcan., 'Promoting Human Rights Values in the Muslim World: the Case of the Gülen Movement.' In Yilmaz et al (eds.) *The Muslim World in Transition* (Leeds: Leeds Metropolitan University Press, 2007), pp. 683-707 at 688.

willpower, is based on the notion that God created human beings as the centre of creation with unique qualities.¹⁶³ He honoured them with freedom, responsibility, intellect and creativity. However, God's purpose for human beings was for them to see His beauty, for God's beauty is the most encompassing. In order to this, human beings must become intelligent mirrors of God's attributes which include *al-ʿĀlim* (the Knowing), *al-Raḥmān* (the Beneficent), *al-Raḥīm* (the Merciful) and *al-Nūr* (the Light). If human beings exercise their freedom to do this, they would have risen above angels. Thus, whilst in the Western worldview of human rights, human freedom leads to rights because of a human being's ability for moral agency, the social contract notion of human responsibility on account of human beings' own negligence and the autonomy of a human being to claim for what he/she wishes, Gülen looks at human freedom as the opportunity for self-discovery and ultimately, to recognise God Himself.¹⁶⁴ If human beings do this, they would have manifested God's perfect attributes in themselves thus showing that human rights naturally stem from perfecting their own souls. This makes human rights grounded in a spiritual view of human existence that does not see itself as the final mirror; rather God is to be reflected in human actions.¹⁶⁵

The second foundation, the human being's capacity for personal and social development, is based on the notion that human beings should strive to be *al-insān al-kāmil* (perfect human beings). This primarily Sufi idea which has been expounded by philosophers such as Ibn Arabi means that human beings must perfect themselves and transcend their existence by joining God's essence.¹⁶⁶ Since God is the ultimate object of desire, human beings should mirror this object and be recipients of God's light and favour. By uniting with God, human beings increase their self-consciousness which prompts Divine self-manifestation. This is the highest pinnacle that human beings can reach. Gülen develops this view by not only talking of personal perfection but social perfection. Gülen argues

¹⁶³ This echoes the verse of the Qur'ān which states, "Certainly We have honoured the Children of Adam and carried them over land and sea, and provided them with all the good things, and given them an advantage over many of those We have created with a complete preference." Qarā'ī: *The Qur'ān*, 17:70.

¹⁶⁴ This echoes the verse of the Qur'ān which states, "I did not create the jinn and the humans except that they may worship Me." Ibid: 51:56.

¹⁶⁵ This reflects Rūmī's poems about "polishing" one's self as if one is a mirror for Divine attributes. See Rūmī, Jalāl al-Dīn., *Rūmī Daylight: A Daybook of Spiritual Guidance*, translations by Camille Adams Helminski and Kabir Helminski (Newbury: Threshold Books, 1995).

¹⁶⁶ For further information on *al-insān al-kāmil*, see Little, John T., "Al-Insān al-Kāmil: the perfect man according to Ibn al-ʿArabi", *Muslim World* 77.1 (1987): pp. 43-54; Chittick, William., "Ibn ʿArabi's own summary of the Fusus – 'The Imprint of the Bezels of the Wisdom'." *Journal of the Muhyiddin Ibn 'Arabi Society*, Vol. 1 (1982), pp. 1 - 44 and "Ensan-e-Kamel", *Encyclopaedia Iranica*, <http://www.iranicaonline.org/articles/ensan-e-kamel> (accessed 22nd December 2012)

that if human beings are to become perfect, they must mirror all of God's attributes and this includes progress in both worldly and otherworldly life. So, increasing education in society, excelling in all sciences and raising society from its shackles of ignorance and poverty to one of knowledge and sustenance are all primary rights to be promoted within Gülen's human rights vision. This does not mean that pure material progress is trumped over spiritual progress but rather there is a harmonious unification between the two views which enables a human being to see that all material things are instruments for his/her own spiritual growth.¹⁶⁷ Gülen's view does in some respects correlate to the Western worldview of human rights because these rights give priority to education and the welfare of its citizens yet he differs from these rights because the promotion of these goods are not ends in themselves; they are linked to the self-discovery of human beings.

The final foundation, human being's awareness of both worldly and otherworldly or spiritual rights, is perhaps the most intriguing because Gülen explicitly adds a spiritual dimension to the content of human rights, not just its epistemological foundations. He argues that rights are not merely legal, moral or political entities. Rights can also be spiritual i.e rights which are to do with one's existential condition are also valid for human beings to abide by. So a human being that is backbitten against and loses his/her honour or one that fails to keep a promise thereby breaking the trust of the other are all spiritual rights. They are spiritual because they stop a person from reflecting God's perfect attributes in himself/herself. They cannot take on a legal or political character because they cannot be enforced in this world. However, according to Gülen, enforceability of rights also exists in the hereafter. This is because we are ultimately accountable to God and God's justice is paramount over all of His creation.¹⁶⁸ Even if human beings do not enforce these spiritual rights, God does. This is a departure from the Western worldview of human rights that looks at rights as innate moral, legal and/or political capacities of human beings. These capacities, whilst theoretically are claimed to be independent of state machinery, are actually actualised by the executive, legislature and judiciary of a country. Gülen goes beyond these human processes and broadens the scope of enforceability by including God's own knowledge, power and justice.

¹⁶⁷ Gülen clearly states that "Islām does not restrict itself to metaphysical considerations only, such as spiritual perfection of the individual, religious rituals, prayer, devotions, and contemplation. In addition to the emphasis on metaphysical considerations, Islām also sets out rules that order human individual, social, political, economical, moral, and legal life." Saritoprak, Zeki and Ünal, Ali., 'An Interview with Fethullah Gülen', *Muslim World* 95, (2005), pp. 447-467 at p. 448.

¹⁶⁸ Gülen clearly states that God is the ultimate sovereign of the world, "In Islām, rule and sovereignty belong to God...the law is above the ruler and the subject. It belongs to God." Ibid: p. 450.

Together, these three foundations constitute a notable spiritual approach to human rights within the framework of the Islamic-Western discourse on rights. What is significant about Gülen's view is that his underlying values of human choice, personal and social development and enforceability of spiritual rights actually correlate with values of the Western worldview of human rights. Human intellectual agency, the promotion of welfare and creating a harmonious social order are all goals of modern human rights yet Gülen uses these goals in a spiritual manner to make human beings think of a loftier end than themselves, God. It is also meant to unite Western and Eastern civilizations due to what the other lacks. Gülen argues, "Western civilization remains paralyzed because it is based mainly on science and Eastern (Asian) civilizations are not 'true' because in their present background they have no scientific background."¹⁶⁹

3.4 Critiquing Fethullah Gülen

Whilst Gülen's principles are attractive and noble, he does not provide a practical framework of how to spiritually develop one's self. He is clearly inspired by major Sufi philosophers such as Ibn Arabi and Rūmi and presumably it is the task of every human being to acquaint themselves with the Islamic spiritual tradition, or at the least, their own. Yet my question is, for the average human being who may not have access to these texts and teachers, lives in a predominantly material and technologically orientated world or may not have any recourse to religious tradition, is it too utopian to expect everyone to become *al-insān al-kāmil*? The goal itself is a noble one, one worthy to strive for but the question remains of how to do this in a modern world, which appears to be divorced from the "sacred."¹⁷⁰ Abrahamic Prophets propagated the teachings of God to their people and there was both a universal and contextual character to these teachings. The principles of One God, the promotion of morality and the concept of the hereafter remained a constant in their teachings yet their applicability and specific laws differed. The direction and times of worship, laws pertaining to people's social problems, the nature of political processes and communicating revelation in accordance with peoples' intellects were all important factors in inculcating a spiritual vision in

¹⁶⁹ Quoted in Keles: *Promoting Human Rights Values in the Muslim World*, p. 700.

¹⁷⁰ See the works of Seyyed Hossein Nasr for discussions on the nature of the sacred. In particular, see Nasr, Seyyed Hossein and O'Brien, Katherine., *In Quest of the Sacred: The Modern World in the Light of Tradition* (Lahore: Suhail Academy) and *The Need for a Sacred Science* (Taylor & Francis e:library, 2005).

human beings. Gülen emphasises that media and charitable institutions need to be developed to reflect the spiritual teachings of Islām (focusing particularly on the values of mercy and tolerance) but we are left with the same problem: this assumes that people will accept the Islamic worldview of creation. It assumes that these institutions can be set up easily in Muslim countries as well as Western ones. The reality is that socio-political and cultural dynamics make this task difficult, especially when a pre-existing religion has been the heritage of a country such as Christianity in the United Kingdom or when no religion has been the history of a country. In my view, what is required is a pragmatic concept that transcends religious and non-religious frameworks and which the layman can easily understand and apply in his/her life. The recognition of spiritual rights is again worthy but how many human beings understand the nature of enforceability of backbiting, jealousy or failing to keep a promise? In order for this understanding to occur, a framework needs to be constructed using the self which is applicable across religious and secular contexts. This way the Islamic-Western human rights discourse would not just originate from one view or be explicitly associated with a particular movement. Rather, the framework would be seen as innate within all human beings and which would positively contribute to human rights education as a whole.

The second issue with Gülen's approach is that he does not deal with the hard cases in the Islamic-Western human rights discourse. I have already commented on this problem in previous approaches and the same criticism applies here. Gülen provides values but not necessarily concrete solutions within Islamic and Western legal systems which is where, in many respects, human rights problems arise. Together the scriptural and spiritual approaches allow the verses and principles from the Qur'ān and sunnah to enter into the Islamic-Western human rights discourse but they do not necessarily tackle actual cases of conflict between the two systems with regards to issues such as women's rights, slavery, the rights of non-Muslims in an evolving, globalised and pluralised society. Thus, I now evaluate the legal and jurisprudential approaches to the discourse which tackle these cases.

4. Legal and Jurisprudential Approaches

The legal and jurisprudential approaches to the Islamic-Western human rights discourse are arguably the most extensive since human rights is an essentially legal enterprise. I have divided this category into legal and jurisprudential because whilst both come under

the category of law and overlap with each other, they explore the discourse from specific areas within law. The legal approach focuses on primary and secondary legislation (statutes and case law) at a national and international level. It is concerned with legal processes and operating within established structures such as international human rights instruments, which is in fact a prime focus of this approach. Here, the approach to human rights is based on interpreting the scope and application of legislation in relation to the existing laws within Muslim jurisprudence, known as *fiqh*. The jurisprudential approach, however, is concerned with the philosophy of law i.e how sources are used to derive laws, hermeneutics, what constitutes a legal valid system and the epistemic nature of reason. In Muslim sciences, this is known as *uṣūl al-fiqh* (the principles of jurisprudence). This is less concerned with established legal structures; rather the goal is to formulate a consistent legal theory which fulfils the goals of the *sharīʿah*. Contemporary Muslim scholars are re-evaluating the goals of *uṣūl al-fiqh* in order to see how the discipline can respond to the questions posed by modern human rights. Both approaches are needed in order to address the points of contention described early on in this chapter but they use the subject of law in different ways. I will begin with the legal approach.

4.1 Legal Approach (1): Anver Emon

The legal approach is exemplified by the works of Anver Emon and Mashood Baderin. Both scholars, whilst commenting on aspects of *uṣūl al-fiqh*, devote much of their work to comparing specific laws of *fiqh* (historical and modern) with national legal systems and the international legal system. Emon focuses on Islamic laws that existed in the classical (6th – 10th centuries) and post-classical (10th – 17th centuries) Muslim period, particularly in the major Sunni schools of thought (*madhab*). He pays particular attention to Muslim personal law (i.e laws pertaining to marriage, divorce, inheritance and other family issues) but also comments on punishment, apostasy and more recently, the treatment of *dhimmi*s *vis a vis* the question of religious tolerance and pluralism within *Islām*.¹⁷¹ He examines the interaction between the historical juristic laws in these areas to laws that would later transpire in the British colonial period in Middle Eastern and Asian countries (especially India and Pakistan), modern laws enacted by Muslim states owing to their own political authority and finally, the place of *sharīʿah* in Canada as

¹⁷¹ See: Emon, Anver M., *Religious Pluralism and Islamic Law: Dhimmi and Others in the Empire of Law* (Oxford: Oxford University Press, 2012).

Muslim minorities require legal redress to their problems based on their own scriptural sources.¹⁷² The goal of his continuing and in-depth research work is to highlight the dynamism of Islamic law on its own merit, its contextual ability to respond to modern human rights issues and how this dynamism has been curtailed by colonialist influences on Islamic law as well as misconceptions about the nature of sharī'ah and the juristic enterprise. The human rights discourse within his work is tackled by an examination of classical Islamic laws on the aforementioned issues, notable case law and the need for collaboration between Western and Muslim legal systems to accommodate the needs of Muslim minorities in Western countries.

Emon's approach to the Islamic-Western human rights discourse begins by emphasising the inherent dynamism in Islamic law. Refuting Orientalists such as Noel Coulson and Joseph Schacht, Emon argues that the very concept of *ijtihād* in Islamic law shows that Muslims scholars in the past and presently understand that the laws they are deriving evolve over time. This is the very nature of *ijtihād* – the employment of reason in order to derive a law applicable to a new situation. This is substantiated by the legal devices used to legislate over varying social and political circumstances. So *qiyās* (analogical reasoning) allowed a freer use of reason in analysing new cases and extracting the similarity in facts and/or concepts with legal cases in *aḥādīth*, *istiḥsān* (juristic preference) gave greater discretion to a judge and in particular, *maṣlaḥa mursala* (public interest, well-being or welfare) was and continues to be evoked to legislate over situations for the greater good of society.¹⁷³ All of these have also been used within the framework of *maqāsid al-sharī'ah* i.e the goals of the law demonstrating that Islamic law was not just textual. It considered non-textual methods, rooted in human rationality, in order to guide people. In some respects, these legal devices correlate with some of the considerations of Western human rights. The utilitarian notion of promoting the greatest good for the greatest number can be compared with *maṣlaḥa mursala* for the latter is concerned with the welfare of society. Western human rights emphasises the reduction of poverty and accessibility of education and basic life amenities as its core values and makes decisions on promoting them by looking at where the greatest number of people would benefit. This is clearly a pragmatic concern and brings Islamic law and Western

¹⁷² See Emon, Anver M., 'Islamic Law and the Canadian Mosaic: Politics, Jurisprudence and Multicultural Accommodation', *Singapore Journal of Legal Studies*, vol. 87, 2007, pp.391-425 and Emon, Anver M., 'Conceiving Islamic Law in a Pluralist Society: History, Politics and Multicultural Jurisprudence', *Singapore Journal of Legal Studies*, (2006), pp.331-355.

¹⁷³ See Emon, Anver M., 'To Most Likely Know the Law: Objectivity, Authority and Interpretation in Islamic Law', *Hebraic Political Studies*, vol. 4, no. 4 (2009), pp. 415–440.

law closer together in the area of social welfare which is definitely a goal of sharī'ah as Muslims are expected to pay *zakāt* (alms) and *khums* (one-fifth charity tax) in order to help poor people. Baderin also makes this argument but broadens it within the scope of international law, as I will show below.

Emon further substantiates the aforementioned argument by making case for the presence of natural rights within the Islamic legal tradition. By natural rights, he means the ability of human beings to speak on behalf of God without recourse to scripture; reason can hold an ontological authority akin to scripture.¹⁷⁴ Although there are those such as Makdisi who argue against the presence of this tradition since Muslims scholars looked at (and continue to do so) reason not as an independent source of law but as only discovering the Divine law.¹⁷⁵ This limits the creative role of reason in guiding human beings. Emon however argues that whilst in theory this may have been the case, in practice jurists had to legislate over new situations and balance the rights of God with the rights of people. They had to have a conception of humanity in order to make a judgement about a case for which scripture did not provide a solution. The reliance on their own legal judgements with reference to how human beings saw themselves in the society they lived in is an example of the natural rights tradition at work. What is intriguing here is that if Emon's argument is to be accepted, it would correlate more with the history of Western human rights which often posits Aristotle, Aquinas and the development of natural law in the 17th and 18th centuries as the precursors to modern human rights.¹⁷⁶ This would unify the Western and Islamic legal systems together in their historical development which is often a source of conflict since sharī'ah is seen as immutable the rights of human beings are decided by God Himself.

The second aspect of Emon's approach to the human rights discourse is to analyse notable cases concerning Islamic law, particularly in the British colonial period, where Muslims had to negotiate their rights under a ruling authority. He argues that Anglo-

¹⁷⁴ See Emon, Anver M., 'Natural Law and Natural Rights in Islamic Law', *Journal of Law and Religion*, vol 20, no.2, 2004-2005, pp. 351-95. And see his book, *Islamic Natural Law Theories* (Oxford: Oxford University Press, 2010) for an extensive analysis of various natural law theories in Islamic jurisprudence.

¹⁷⁵ See: Makdisi, George., *Ibn Aqil: Religion and Culture in Classical Islam* (Edinburgh: Edinburgh University Press, 1997). For a specific discussion on the nature of 'aql in Shī'ī law and the extent to which it can yield certain knowledge to derive a law of sharī'ah, see: Gleave, Robert., *Inevitable Doubt – Two Theories of Shī'ī Jurisprudence* (Leiden: Brill, 2000), pp. 183 – 220.

¹⁷⁶ Andrew Fagan concisely outlines the development of human rights and comments on the influence of natural law. See Fagan, Andrew., 'Human Rights', *Internet Encyclopaedia of Philosophy* (2003). <http://www.iep.utm.edu/hum-rts/> (accessed 22nd December 2012)

Muḥammadan law existed in India where the British Law Lords of the Judicial Committee chose classical Muslims texts by which to govern Muslim personal law. *Al-Hidaya*, a classical Sunni Hanafi text, was chosen in order to address legal problems of Muslim subjects in accordance with their own sources. However, British common law still played a huge role in interpreting the applicability these texts and so Muslims' rights resulted from a hybrid approach combining Islamic and Western law. Using the *Baker Ali* case¹⁷⁷, Emon argues that this combination actually restricted the dynamism of Islamic law as it became text based, not context based. Thus, the negotiation of Muslims rights resulted from one particular school of thought (Hanafi), were bound by that text (or a few selected texts), had little recourse to supplementary Arabic sources to aid court judgements, were influenced by the British approach to law, community life and political authority and finally, other Muslims such as the Shī'a were excluded from using their own legal sources. This debilitated Islamic law and affected both Muslims and non-Muslims understanding of the capability of Islamic law to evolve and adapt to new situations.

The negative effect of British colonialism adds an important dimension to the Islamic-Western human rights discourse because it shows that the entity of Islamic law that jurists and reformists are commenting on is partly a product of the colonial experience of Muslims. So the breadth of legal texts in Arabic and Persian in seminaries (both in the Shī'a and Sunni world) are not necessarily due to the dynamism of the Islamic tradition. Rather it is the influence of British colonial authorities that led Muslim jurists to emphasise text over context. Moreover, many of these texts repeated the same ontology and epistemology about the world, the reductive nature of reason, the nature of the four sources of Islamic law¹⁷⁸ and the type of legal devices used to produce solutions for new situations. Thus, when we evaluate the human rights discourse, we are not necessarily dealing with Islamic law as an independent entity in itself; rather it is an entity influenced by British colonialism. At the other end of the spectrum, Makdisi has argued Western law has also been influenced by the Islamic legal tradition and should not be

¹⁷⁷ *Baker Ali Khan v. Anjuman Ara* (1903) 30 IA 94, reprinted in Asaf Ali Asghar Fyzee, *Cases in the Muḥammadan Law of India, Pakistan and Bangladesh*, 2d ed. By Tahir Mahmood (New Delhi: Oxford University Press, 2005), pp. 4–16

¹⁷⁸ According to the Shī'a, the four sources of law are: *Qur'ān*, *sunnaḥ* (tradition), *ijmā'* (consensus) and *'aql* (reason); in the Sunni legal tradition, *qiyās* (analogy) replaces *'aql* as the fourth source of law. For an analysis of why the Shī'i and Sunni tradition differed on the fourth source of law, see: al-Ṣadr, Muḥammad Bāqir., *Principles of Islamic Jurisprudence – according to Shī'i law* (London: ICAS Press, 2003), pp. 25 – 38 and pp. 49 – 53.

considered as only originating from Greek and European origins.¹⁷⁹ Emon's point is valuable in broadening the human rights discourse showing that the Islamic and Western worldviews are not as far apart as many may think. The notion that Anglo-Muhammadan law existed before and despite the somewhat limiting effects on Islamic law, it should give both Muslim and Western scholars inspiration that two legal systems can work together to address the legal problems of diverse religious, cultural and racial groups.¹⁸⁰ The former Archbishop of Canterbury's, Rowan Williams, encouragement that there was a place for shari'ah in British law is an example of this seldom optimism within the discourse.¹⁸¹ Yet not only was there a backlash towards his comments in Britain but in Ontario, a similar backlash occurred in 2005.¹⁸² Thus, whilst theoretical collaboration in both systems may be possible to address the points of contention in the human rights discourse as above, practically there needs to be greater acceptance by the wider public to remove the idea that Western human rights is an independent legal system that cannot accept any collaboration with other non-Western legal systems.

The final argument by Emon is that the points of contention in the Islamic-Western human rights discourse and in particular, the accommodation of Muslim minority rights can be fostered by civil institutions. If the government of a country creates social and political space for Muslims to debate about how they want to interpret their laws in a country, positively interact with government institutions to accommodate these laws, increase the understanding of Islām amongst the public and operate within a "marketplace of Islamic legal ideas"¹⁸³ that takes into account the numerous Muslim sects, then Islamic law would be digestible by those that oppose it. It would also foster creativity within Islamic law itself amongst public institutions rather than only being attached to Muslim communities, mosques and seminaries. This would reflect the

¹⁷⁹ Makdisi has devoted a whole work exploring Islamic law's influence to Western law, see: Makdisi, George, *The Rise of Humanism in Classical Islām and the Christian West with special reference to scholasticism* (Edinburgh University Press, 1990). Baderin also argues that Locke may have gained ideas from Arab political theory –Baderin, Mashood., *International Human Rights and Islamic Law*, (Oxford: Oxford University Press, 2005), p. 32.

¹⁸⁰ For an analysis of the place of shari'ah in the West, see Turner, Bryan S. and Arslan, Berna Zengin., 'Shari'a and legal pluralism in the West', *European Journal of Social Theory*, 14, (2011), pp. 139-159.

¹⁸¹ See Williams, Rowan., 'Archbishop's lecture - Civil and Religious Law in England: a Religious Perspective' (2008) <http://www.archbishopofcanterbury.org/articles.php/1137/archbishops-lecture-civil-and-religious-law-in-england-a-religious-perspective> (Accessed 22nd December 2013)

¹⁸² Emon comments on this backlash in his article, See Emon, Anver M., 'Islamic Law and the Canadian Mosaic: Politics, Jurisprudence and Multicultural Accommodation', *Singapore Journal of Legal Studies*, vol. 87, 2007, pp.391-425

¹⁸³ Emon, Anver M., 'Conceiving Islamic Law in a Pluralist Society: History, Politics and Multicultural Jurisprudence', *Singapore Journal of Legal Studies*, (2006), pp331-355, at p.354.

history of Islamic law which was fundamentally plural and acknowledged the different schools of thought and varying contexts which Muslims found themselves in.¹⁸⁴ This is a practical approach by Emon and his suggestion is one of the few that provides a workable solution that can be implemented today to combat the distrust that exists between Islamic and Western legal systems. Thus, even before tackling the various points of contention in the human rights discourse, a positive understanding needs to be generated between the two systems. Whilst this echoes the approach of the dialogue exemplified by Sachedina and Mayer, Emon has suggested a practical solution rather than only saying that both systems need to engage with each other. Emon has also created this solution within the ambit of his conception of rights discourse between the two systems which means he is simultaneously tackling legal methodology and the implementation of that methodology.

4.2 Critiquing Emon

Emon's approach is multi-faceted and does more than problematise the Islamic-Western human rights discourse. Emon clarifies the kind of Islamic law we are dealing with today, the inherent dynamism of Islamic law through legal devices and cases decided by Muslims judges (*qādis*) and jurists (*fuqahā*) and the role civil society can play in bringing greater engagement between the two systems. However, the primary criticism of Emon's approach to the discourse is what happens in the marketplace of ideas when Muslim sects conflict with one another? The entrenchment of legal schools of thought amongst the Sunni and Shī'a means that there will be a competing set of legal principles and values. If civil society manages this dialogue, who benefits? Can a government remain impartial to different Muslim sects in light of Emon's own admission that the British colonial authorities in India chose a Hanafi text to manage particular legal disputes within Muslim communities, whether they were Sunni or not? If there is no effective management of this marketplace of ideas then human rights issues become caught up in sectarian disputes. Secondly, despite the plethora of Muslim interpretations, the idea that Islām has a scriptural foundation and a vision for humanity is important. There must be an acknowledgement that plurality does not mean an Islām without any

¹⁸⁴ For more information on the history of Islamic law from the Sunni perspective, see Hallaq, Wael B., *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005) and Dutton, Yasin., *The Origins of Islamic Law: The Qur'ān, the Muwatta' and Madinan 'Amal* (London: Curzon Press, 1999). For the development of Shī'i law, see: al-Šadr: *Principles of Islamic Jurisprudence*.

essential foundation or at least the quest for it. Human rights then become cultural rights, changing with every context but never really grounded in any core vision of humanity, which is the line of reasoning employed by Douzinas (this will be outlined at the end of the chapter).

4.3 Legal Approach (2): Baderin

Mashood Baderin's approach is unique in that he is arguably the only scholar to make an article-by-article comparison of international human rights instruments and relevant Islamic laws. Baderin's aim is for Islamic law and international human rights law to engage with each other but not just as a matter of dialogue; to see where specific areas of conflict lie in international human rights legislation and which solutions can be used to remedy these areas using both juristic devices such as *maṣlaḥa* and *maqāsid al-sharī'ah* as well as devices and institutions within international law. He goes beyond Emon in suggesting ways in which articles and *aḥkām* (rules) can interact in a world which operates using international law. *Fiqh* is a kind of international law in that Muslims are expected to abide by the laws derived through *uṣūl al-fiqh* wherever they may reside. Whilst certain laws may be under dispute owing to a new social context and a relevant jurist gives guidance here, laws pertaining to personal law, punishment, apostasy and legal relations with non-Muslims remain the same – at least in spirit. However, these are key areas of contention within the Islamic-Western human rights discourse and this is why Baderin argues that the only way Muslims and non-Muslims can evaluate the moral and legal validity of these areas is to see how they interact with each other in the international community today.

Baderin's principal approach to the discourse is to make a distinction between the universality and universalism of human rights. The Western worldview claims that human rights are universal but Baderin argues the content, interpretation and applicability of human rights differs across regions, cultures and religions. Thus it is more accurate to say that human rights may conceptually be universal but they are not universal when it comes to their applicability for each country or religion claims that their understanding of human rights is universal.¹⁸⁵ By making this distinction, Islamic law can be engaged with since just like any other legal system, Islamic law is making a claim that its conception of human rights is universal. Baderin then goes on to list all the

¹⁸⁵ Baderin: *International Human Rights*, pp. 23 – 32.

articles on human rights from the International Covenant on Civil and Political Rights (ICCPR) including the right to self-determination, life, prohibition of torture, freedom from slavery, right to liberty and security of the person, the right to fair hearing and more. Within each of the rights, Baderin makes a comparison with the Cairo Declaration of Human Rights in Islām 1990 and relevant jurisprudential laws, verses of the Qur'ān and *aḥadīth* to show the similarities and differences between the two legal systems. He then goes on to suggest ways in which these differences can be reconciled using, in particular, the legal devices of *maṣlaḥa* and *maqāsid al-sharī'ah*. Thus, Baderin takes a trilateral legal approach to the discourse by using international human rights law, Muslim international human rights instruments and Muslim jurisprudential laws.

Baderin argues that since the ICCPR has 74 signatories and 167 parties (this includes 41 of the 57 member states of the Organisation of Islamic Conference (OIC))¹⁸⁶ and Muslim states have responded to the ICCPR by creating the Cairo Declaration of Human Rights in Islām 1990, it shows the international legal system is the natural system to be engaged with. In fact, Muslims do not evoke the sharī'ah to respond to the social and political problems; rather human rights instruments are evoked because these are the rights accessible to them in their countries.¹⁸⁷ At the same time, however, international law needs to engage with both the Cairo Declaration as well as Muslim jurisprudential laws in order to appreciate the religio-ethical and family norms associated with Islamic law. This would allow Western human rights lawyers to appreciate the universalism of their own rights discourse which is a necessity if Islamic law is to be engaged with. Baderin cites numerous examples by which this can be done. For example, under Western human rights, men and women are equal yet in Islām, whilst they are spiritually equal, there is a difference in the legal rights and duties they possess. Women are obligated to observe *ḥijāb* (the head covering and bodily modesty) whereas men are not necessarily under the same obligation. There is a direct conflict here because Western human rights empowers men and women to make their own decisions as to their personal and social life and affords them the right to privacy. Baderin argues this can be resolved by giving a choice to women to observe *ḥijāb*. If they do not, no rights regime can force them to wear it. The Islamic law should remain in tact but should not be forced

¹⁸⁶ See *UN Treaty Collection: International Covenant on Civil and Political Rights*. UN. 2012-03-06. http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en.

¹⁸⁷ Baderin: *International Human Rights*, p. 5.

upon individuals.¹⁸⁸ This echoes the verse of the Qur'ān, “there is no compulsion in religion”¹⁸⁹, which Baderin also uses to show that in the area of pluralism, nobody can be forced to become a Muslim.

This pragmatic approach is also present regarding article 6(1) of the ICCPR, the right to life. Whilst everyone deserves the right to life and this is supported by many verses of the Qur'ān, article 6 also says that women should be given support when aborting their child. This is a clear clash with Islamic law since abortion is prohibited in Shī'ī and Sunni law with the exception if the mother's life is in danger. Baderin argues Islamic states and Muslims should continue to prohibit abortion but if an abortion does occur, then social and financial help should be available to the woman. With regards to *ḥudūd* (limit) punishments such as theft, fornication and adultery (*zina*), consumption of alcohol (*khamr*) and apostasy, there is again significant tension between Islamic and Western human rights because *ḥudūd* punishments are considered as rights of God with fixed punishments, not as rights of the people. Here, Baderin states that since the standard of proof is high for *ḥudūd* punishments, procedure can be an effective way of stopping *ḥudūd* punishments if they clash with particular moral and social values of a country or the international community in general. The *ḥudūd* punishments can be retained but their application can be severely restricted by procedural obstruction.¹⁹⁰ Many more examples can be cited here but in general, Baderin uses the technique of pragmatism drawing upon useful legal devices within the Islamic and Western international legal systems to solve the conflicts.

Baderin finally suggests that in order to reconcile both systems of law and areas of conflict, greater human rights education needs to be initiated worldwide. Put simply, Muslims think Western human rights are a conspiracy or if they agree with them, they are not knowledgeable enough of how to use them.¹⁹¹ Moreover, Muslim jurists need to be predisposed in thinking about human rights when they make judgements, derive laws or issue *fatāwa*.¹⁹² Baderin also suggests creating Human Rights Watch Committees under international law to see how Muslim and Western states are applying human rights

¹⁸⁸ Ibid: pp. 58 – 66.

¹⁸⁹ Qarā'ī: *The Qur'ān*, 2:256.

¹⁹⁰ Baderin: *International Human Rights*, p. 84.

¹⁹¹ Ibid: pp. 222 – 3.

¹⁹² Ibid: p. 224.

in their countries and whether they are abusing those rights.¹⁹³ This will ensure constant review of the implementation of human rights in Muslim and non-Muslim countries. This can be aided by setting up regional human rights bodies that monitor this implementation as well as unifying Islamic states which have a common heritage such as Middle Eastern countries like Saudi Arabia, Iraq, Bahrain.¹⁹⁴ Even though these countries may have significant tensions with each other, regional human rights institutions that aim for cohesiveness rather than conflict are a noble enterprise. In amongst these institutions, there must also be an interpretive organ that is capable of interpreting the Cairo Declaration of Human Rights 1990 because Muslim states constantly abuse the rights contained in the document or when new legal situations arise, there is little guidance for Muslims as to how to deal with the Cairo Declaration and the laws pertaining to their own school of thought. Baderin argues that this is why the Cairo Declaration has remained a dormant, static international instrument in the Muslim world.¹⁹⁵

Furthermore, there should be a creation of a *Wilāyat al-Madhālim* (commission of wrongs) which is a kind of international human rights commission or court to resolve human rights abuses, adjudicate on cases and set precedent.¹⁹⁶ This would allow Islamic law to evolve in international law and allow the international community to appreciate that Islamic law needs time to adapt to international legal institutions and norms. Here, Baderin cites the value of using the doctrine of margin of appreciation to allow national authorities and states to implement and interpret a particular human right in relation to their culture. This does not mean cultural relativism, as some would criticise but allowing a transition for that right to occur in a Muslim society – particularly in cases like apostasy, homosexuality and freedom of expression.¹⁹⁷ All of these suggestions would positively engage Western and Islamic legal systems on the issue of human rights which Baderin terms as the “complementary approach.”¹⁹⁸ Thus, Baderin’s approach to the discourse is one of pragmatism but in particular, a trilateral approach using international human rights law, Muslim international law and classical Islamic law or fiqh.

¹⁹³ Ibid: pp. 229 – 30.

¹⁹⁴ Ibid: pp. 225 – 6.

¹⁹⁵ Ibid: pp. 226 – 9.

¹⁹⁶ Ibid: pp. 229 – 30.

¹⁹⁷ Ibid: pp. 232 – 35.

¹⁹⁸ Ibid: p. 219.

4.4 Critiquing Baderin

Baderin should be commended in attempting to collaborate between the aforementioned three systems and the willingness to tackle the majority of hard cases that are the heart of the Islamic-Western human rights discourse. This marks a difference with Emon's approach whose discourse is arguably more historical. However, when we look at the underlying methodology of Baderin, we find that he does not tackle the moral validity of both Islamic and Western international law. Granted that his thesis is not a jurisprudential exercise as such (though he mentions jurisprudential devices to deal with cases of conflict) but the pragmatic approach of Baderin only provides temporary solutions to deep-rooted points of contention in the Islamic-Western human rights discourse. Baderin still argues that many of the classical Islamic laws should remain in force in Muslim countries or for Muslims but that they should be suspended or modified in order for Islamic law to adapt to human rights conventions and to allow further human rights education to occur. Yet, for how long are we to suspend or modify Islamic laws that currently are a source of tension between Muslims and non-Muslims? Moreover, these laws are causing hardship for Muslims in how they actualise human rights for their lives. Thus, Baderin's approach of pragmatism is a rather surface based approach to the points of contention discussed in this chapter.

Secondly, whilst Baderin admits certain failings of international human rights law, he ultimately argues that this is the law that is accepted by the majority, including Muslims. He doesn't initiate the same level of investigation into the problems inherent within international human rights as he does with Islamic law. If punishment or gender inequality is criticised in the Islamic tradition, the same level of analysis must be produced for Western human rights; otherwise the comparison can suffer from relativity. My thesis is to provide a concept by which a more foundational comparison can take place, which is through the concept of the self. Thirdly, Baderin uses certain verses and ḥadīth to show that rights such as the right to life are present in the Qur'ān or at the least, the Islamic legal tradition. However, like Maududi, these verses are highly contextual and Baderin can be criticised for using the scriptural tradition selectively. This is substantiated by his seldom use of Shī'ī sources, which is another point of departure for this thesis as I explore the Shī'ī viewpoint through 'Alī b. Abī Ṭālib and Zayn al-ʿĀbidīn. Finally, Baderin looks at Islamic law from a defensive point of view – it's potential to adapt or be modified. He doesn't look at what Islamic law can offer Western

human rights – a key strand of this thesis. Baderin’s approach makes Islamic law look as if it is playing ‘catch-up’ with Western international human rights and this reduces the capacity for Islamic law’s own creativity. In order for a deep level of investigation to occur, at least in Islamic law, I now tackle Abdullahi An-Na‘īm and Mohsen Kadivar who delve more deeply into *uṣūl al-fiqh* in order to tackle the points of contention in the Islamic-Western human rights discourse.

4.5 Jurisprudential Approach (1): An-Na‘īm

An-Na‘īm is arguably one of the most recognised voices in the Islamic-Western human rights discourse. This is because out of the many, he has suggested a new jurisprudential framework to tackle human rights issues through the notion of *naskh* (abrogation)¹⁹⁹ in the Qur’ān, which was essentially the methodology of his notable teacher, Mahmoud Taha.²⁰⁰ An-Na‘īm’s argument is three-fold: re-defining sharī‘ah, using Makkan verses over Madinan verses²⁰¹ to allow greater rights discourse within Islamic law and promoting constitutionalism to safeguard human rights around the world. He begins by analysing the nature and historical circumstances in which sharī‘ah developed. He argues that sharī‘ah should actually be defined as “historical Islamic law”²⁰² since the law made was a historical construct, influenced by its own social circumstances and local Arab customs. Whilst this law is relied on today, it is detached from evolving moral and social considerations and as such, it should be regarded as a historical law conducive for its own time. Today we are living in a time of “hybrid law”²⁰³ where legal systems and values intermesh and interact with each other. A prime example is the interaction between national, European and international law. Sharī‘ah cannot be included in this hybrid law because it is failing to adapt to it and continues to rely on its historical notions of law, humanity and society. An-Na‘īm cites the example of slavery as proof of this. Western human rights has abolished slavery but today, were the conditions for slavery to be actualised, sharī‘ah would still recognise it as a legal

¹⁹⁹ For more information on abrogation, see Burton, John., *The Sources of Islamic Law: Islamic Theories of Abrogation* (Edinburgh: Edinburgh University Press) and Powers, David S., ‘The Exegetical Genre nasikh al-Qur’ān wa mansukhuhi’, in: Rippin, Andrew., *Approaches to the History of the Interpretation of the Qur’ān*, (Oxford: Clarendon Press, 1988), pp. 119 – 31.

²⁰⁰ See Taha, Mahmoud Mohamed., *The Second Message of Islām* (New York: Syracuse Press, 1987)

²⁰¹ Makkan verses denote those verses of the Qur’ān revealed to Prophet Muḥammad in Makkah and Madinan verses are those that were revealed in Madinah.

²⁰² An-Na‘īm, Abdullahi., *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law* (New York: Syracuse Press, 1996), p. 2.

²⁰³ An-Na‘īm: *Toward an Islamic Reformation*, p. 7.

institution. Sharī‘ah was correct in dealing with slavery in the 7th – 9th centuries but now, its approach is immoral and illegal.²⁰⁴ Even *ijtihād* is restricted as a tool to reform sharī‘ah because the epistemological framework in which it operates limits the use of reason in solving new issues. It is difficult to go against explicitly clear verses (*nass*) of the Qur’ān (and the nature of *hudūd* punishments are expressed in these types of verses) and its legal devices such as *istihsān* and *maṣlaḥa* do not go far enough in providing value-based solutions to human rights dilemmas.²⁰⁵ From this argument, An-Na‘īm proceeds to suggest a new hermeneutical theory in interpreting the Qur’ān in order to revolutionise Islamic law.

An-Na‘īm argues that virtually all jurists believe the verses of the Qur’ān revealed in Madinah supersede the verses revealed in Makkah. This is because the Madinan verses were revealed later in time and therefore constitute the continual development of Islām as a religion and law. What jurists usually do is that they abrogate the Makkan verses in favour of the Madinan verses giving the latter legal and probative force. The Makkan verses and whatever content is contained in them (as far as the law is concerned) is reduced in value. Thus, the Madinan verses takes precedence in setting the scope and content of legal enquiry in Islamic law.²⁰⁶ However, an-Na‘īm argues (quoting Taha) that *naskh* or abrogation means cancelling, repealing or postponing verses because they are no longer operative for a particular time. Abrogation is not intended to be final or conclusive but merely postponement until the appropriate time.²⁰⁷ So, when we want sharī‘ah to evolve, we must consider the rationale beyond the text. What was the rationale for the Makkan and Madinan verses? According to Taha, the Makkan verses were and still are universal in nature whilst the Madinan verses were relevant for Prophet Muḥammad’s society in Madinah. The Madinan verses were suitable for a particular context but now they should be abrogated in favour of the Makkan verses since the latter contains the original vision and values of Islām which are adaptable to changing contexts. Jurists continue to abrogate the Makkan verses but really they should be abrogating the Madinan verses since these verses are context-specific and related to incidents such as wars, punishments, gender rights and interactions with different religious groups. The Makkan verses, however, addressed people as ‘O humankind’ (in contrast to the Madinan verses which addressed people as ‘O believers’) and promoted

²⁰⁴ Ibid: pp. 172 – 175.

²⁰⁵ Ibid: pp. 27 – 29.

²⁰⁶ Ibid: p. 60.

²⁰⁷ See Taha: *The Second Message of Islām*, pp. 40 – 41.

the fundamental values of justice and equality amongst all human beings.²⁰⁸ If this new approach were to be adopted, the nature of Islamic law would have an ethos driven by core values of humanity which also correlate to the Western system of human rights. More than that, Islamic law would be adaptable to an evolving society and the true spirit of Islām would guide the derivation of law.

An-Na‘īm then gives an idea what values should be at the foundation of this reformation of Islamic law as well as augur a reconciliatory approach with international human rights law. He identifies the principle of reciprocity, the will to live and the will to be free as three key values that form a constitutionalist approach to both Islamic law and international law. A constitution not only enforces effective limitations on the powers of government and imposes positive obligations on it but must do so to achieve certain objectives. Citing the definition of Lord Bolingbroke, he states “a constitution is that assemblage of laws, institutions and customs, derived from certain fixed principles of reason, directed to certain fixed objects if public good, that compose the general system, according to which the community has agreed to be governed.”²⁰⁹ This definition is crucial for an-Na‘īm because it allows him to set values for Islamic law which would shift it from its historical construct to a modern, constitutional one. He dismisses that Islamic history had *shūra* (consultation) because according to him caliphs such as Abū Bakr, d. 13/634 acted on his own discretion (going against the majority view of the leading companions of the Prophet) in deciding to fight against the Arab tribesmen who rebelled after the Prophet’s death. Similarly, ‘Umar b. Khaṭṭāb (d. 23/644), the second caliph of Islam, went against the majority of companions in deciding to distribute the lands taken as spoils of war in southern Iraq.²¹⁰ Thus, one cannot revert back to history to claim that the Muslim community had agreed to be governed in a particular way. This allows an-Na‘īm a clean slate to formulate values on how Muslim communities in an international legal system would should govern themselves and adapt to the evolving human rights discourse.

It is here we find direct correlation with the Western human rights system because he argues that the principle of reciprocity should drive a Muslim constitution and any

²⁰⁸ An-Na‘īm: *Toward an Islamic Reformation*, pp. 52 – 60.

²⁰⁹ Ibid: p. 71.

²¹⁰ Ibid: p. 79. He also argues that verse 42:38 of the Qur’ān, “those who answer their Lord, maintain the prayer, and their affairs are by counsel amongst themselves, and they spend out of what We have provided them with;”, cannot be used to justify shura because it did not have the concept of public consultation in its interpretive and legislative scope. Qarā’ī: *The Qur’ān*.

constitution for that matter. The principle of reciprocity is based on the golden rule, the idea that one should treat others as one would wish to be treated. We cannot deny anyone rights that we believe we are entitled to and this rule forms the basis of any rights discourse and governance of a society. He acknowledges that both Muslim and Western nations abuse this principle and more needs to be done not to abuse this basic rule of law. He substantiates this by adding that every human being desires two things: the will to live and the will to be free. The will to live includes the right to shelter and a decent quality of life and the will to be free means the desire for personal excellence.²¹¹ These two qualities are fundamental for any human being and should spearhead the Islamic-Western human rights discourse. All of these values which would constitute the ‘public good’ of a constitution can be justified from the Islamic and Western philosophical tradition and in his words, “minimise the suffering”²¹² around the world.

4.6 Critiquing An-Na‘īm

An-Na‘īm’s approach to the Islamic-Western human rights discourse set the tone for later contributions because he did not just criticise sharī‘ah but attempted to reform it. Using the theory of abrogation of Taha, An-Na‘īm provides a different jurisprudential framework which Muslim jurists can use to develop sharī‘ah in the modern age. An-Na‘īm goes further in citing values that are common to both Islamic and Western conceptions of human rights and this forms the basis of his notion of constitutionalism. However, An-Na‘īm’s approach has some limitations. Firstly, as has been a somewhat reoccurring theme with Sachedina, Mayer and Baderin, international human rights law is seen as the benchmark for the conception of a human rights order in the world. In fact, An-Na‘īm calls it a “glorious achievement.”²¹³ Of course this was in the 1990s when the culture of military unilateralism was starting to grow i.e when states decided it was their right to invade a country to pursue a particular moral or political agenda. Now this culture has gathered significant momentum with the invasions of Afghanistan and Iraq in 2001 and 2003 respectively by the United States and United Kingdom. Thus the glorious and binding nature of international human rights is now under question which is why in later writings An-Naim states,

²¹¹ Ibid: pp. 162 – 165. See also: An-Na‘īm, Abdullahi Ahmed an-, ‘Shari‘a and Basic Human Rights Concerns’ In: Kurzman, Charles., *Liberal Islām: A Sourcebook*. (New York and Oxford: Oxford University Press, 1998), pp. 222-38.

²¹² Ibid: p. 187.

²¹³ Ibid.

“In my view, the invasion and continued occupation of Iraq by the United States and the United Kingdom is tantamount to 19th century colonialism. The legal definition of colonialism is the usurpation of the sovereignty of a people through military invasion and occupation by one or more foreign powers, which is exactly what the United States and United Kingdom have done in Iraq since April 2003. Such repudiation of the foundational principles of international law itself deprives international human rights law of the basis of its legal authority and binding force.”²¹⁴

However, he also continues to admit that the United States and United Kingdom still have a better human rights record than other governments. My question here is how can international human rights continue to be a standard by which to understand human rights when it is being abused by powerful nations and carries little binding force in international law? An-Na‘īm does not sufficiently address this question which is one of the motivating reasons for his reformation of Islamic law thesis. Secondly, An-Na‘īm’s aim in reforming Islamic law is to alleviate suffering and enlighten Muslims on the backwardness of sharī‘ah as a public law. Yet the alleviation of suffering requires a mode of enquiry deeper than law. Whilst An-Na‘īm admits Taha’s reform methodology had a “strong mystic orientation”²¹⁵, he does not develop this further. The mystical side of human rights as commented on earlier under the heading of the ‘spiritual approach’ is equally important and had An-Na‘īm also developed this, the alleviation of suffering could be done through concepts pertaining to the self – the main thrust of this thesis. Despite these limitations, An-Na‘īm provides a stronger approach to the Islamic-Western human rights discourse than many of those evaluated so far. I will finally examine Mohsen Kadivar who has also pursued a similar line of jurisprudential enquiry to An-Na‘īm.

4.7 Jurisprudential Approach (2): Mohsen Kadivar

Mohsen Kadivar has become a prominent voice in the Islamic-Western human rights discourse in the last decade. This is not only because of criticisms of Iran’s human rights

²¹⁴ An-Na‘īm, Abdullahi., ‘Review of Baderin, Mashood A. International Human Rights and Islamic Law and Khan, Mainul Ahsan., Human Rights in the Muslim Word: Fundamentalism, Constitutionalism and International Politics’, *European Journal of International Law*, 15 (2004), pp. 395-404 at p. 403.

²¹⁵ An-Na‘īm: *Toward an Islamic Reformation*, p. 47.

policies (both to its citizens and its approach to the international community) for which he has extensively written about but also Kadivar's understanding of both Islamic and Western human rights systems and their philosophical underpinnings. Combining a seminary approach to his work (similar to An-Na'īm who delved into the theory of abrogation), Kadivar advocates reforming Muslim jurisprudence in order to develop Islamic law for modern human rights situations.²¹⁶ Kadivar begins his enquiry with the nature of sharī'ah akin to An-Na'īm but then proceeds to show the status of reason (*aql*) within the Islamic tradition. His main argument here is that Islamic law has restricted the use of reason to discover norms and specifically, human rights. This is the core part of Kadivar's thesis – the resuscitation of reason within *uṣūl al-fiqh*. The final aspect of Kadivar's approach is to examine specific cases of conflict in the Islamic-Western human rights discourse through an analysis of human rights issues such as gender inequality and slavery.

Kadivar begins his approach to the discourse by arguing that much of the conflict with Western human rights lies in Islamic aḥādīth (narrations), rather than the Qur'ān itself.²¹⁷ Whilst there are explicit verses of the Qur'ān which conflict with certain human rights norms (for example, in the areas of punishment), most areas of contention are found with narrations. This is because the body of narrations constitute evidence of historical norms in Prophet Muḥammad's, the companions' and Imāms' periods which they had to address within their epistemological framework. Many of these narrations cannot be used today in setting universal norms for rights because they were highly context-specific and the commands issued by Prophet Muḥammad were relative to the cases that he encountered. Thus, the first task for Muslim scholars is to reduce the status of narrations as source of law in our understanding of a universal notion of human rights. This reduction must be understood within the "epistemic constellation" of sharī'ah i.e the four sources of Islamic law.²¹⁸ This classical constellation which provides the cornerstones of sharī'ah actually contain an inherent presumption about how the cosmos should be viewed. God is at the centre of creation and thus there is a preoccupation with His rights or finding out what sharī'ah should be i.e what God's way should be.²¹⁹

²¹⁶ See Matsunaga, Yasuyuki., 'Human Rights and New Jurisprudence in Mohsen Kadivar's Advocacy of "New-Thinker" Islām', *Die Welt des Islāms*, 51 (2011), pp. 358 – 381.

²¹⁷ Kadivar, Mohsen., 'Human Rights and Intellectual Islām', in: Kari Vogt, Lena Larsen & Christian Moe (eds.) *New Directions in Islamic Thought: Exploring Reform and Muslim Tradition* (London: I.B. Tauris, 2009), pp. 47-72, at p. 48.

²¹⁸ Ibid. See also footnote 163.

²¹⁹ Ibid: p. 49.

However, Western human rights have a human-centric view of the world i.e what human beings require to live their life morally and successfully. This concern of Western human rights positions the legal decision-making process towards the rights and needs of human beings where as Islamic legal decision-making is concerned more with pleasing God rather than attending to the needs of human beings. Whilst of course Islamic law contains many chapters on financial, contractual, social and political situations, these areas have not been developed today for the evolving needs of human beings. Thus there needs to more concentration on the humanness of human beings i.e the kind of dignified life a human being requires in order to live in the modern world. Here, Kadivar argues that jurists have been preoccupied with a historical Islām whereas the task should go back to the spirit of Islām in order to meet the needs of human beings.²²⁰

It is here Kadivar cites the main obstacle as to why jurists have not made this transition – their understanding of reason. He argues that reason is treated merely as a discoverer of God’s law, not as an independent source for deriving norms. This is because in *uṣūl al-fiqh*, human reason is regarded as unreliable – it does not yield certainty when understanding a subject.²²¹ By coming to this conclusion, Muslim jurists have taken the position of the Asharites instead of the Mutazilites who elevated the role of reason in guiding society. This reduces the ability of the human mind to grasp moral concepts since it will always fall foul to base desires and corruption. As a result, human beings should turn to their Divine law-giver, God, who has already formulated perfect laws through scripture. The task therefore is for the human mind to discover these laws and this is the way to attain human felicity.²²² This is why sharī‘ah is considered to be unchangeable since God, as the perfect Being, can never change and His decisions are perfect. Thus His law remains fixed until the Day of Judgement. The overall effect of this is sharī‘ah becomes unresponsive to new situations and this is worsened by the greater importance given to fiqh in seminaries, both Shī‘a and Sunni, in relation to other important fields which use a greater rational and empirical enquiry such as sociology and politics.²²³ Western human rights, in contrast, are based on a *a posteriori* approach and

²²⁰ See Kadivar, Mohsen., ‘From Traditional Islām to Islām as an end in itself’, *Die Welt des Islāms*, 51 (2011), pp. 459 – 484.

²²¹ For further deliberation on the authority of ‘*aql*’ from the Shī‘ī jurisprudential perspective, see: al-MuZaffar, Muḥammad Riḍā., *Uṣūl al-Fiqh*, volumes 1-4 (Qum: Mu’assisa al-Nashr al-Islāmi, 2004), vol.3, pp. 7 – 52.

²²² Kadivar: ‘Human Rights and Intellectual Islām’, p. 50-51.

²²³ Ibid: p. 52.

norms arise from human beings' collective decision-making. Western human rights empower human beings' capacity for reason and this is where the real conflict lies in the Islamic-Western human rights discourse.

Kadivar concludes in a similar vein to An-Na'īm that today, Western human rights are preferable to Islamic human rights since the former effectively deals with human rights dilemmas whilst the latter remains inadapttable. Here, Kadivar deals with specific cases of conflict. He states that Islamic law fosters inequality between Muslims and non-Muslims such as a Muslim cannot marry one who does not believe in God, there are also certain impositions or restrictions if they attend Muslims' places of worship and in terms of religious pluralism, non-Muslims are accorded a lower spiritual status. However, Kadivar argues religion should not lead to discrimination. Good deeds will be judged by God in the hereafter but in this world, non-discrimination on basis of religion is closer to justice and in fact, in conditions of equality people will turn to religion sincerely. Thus, the fairest way is to reject the special rights which all religious believers claim, including Muslims. This approach is closer to the mercy of God since, "if God has put the blessings of nature at everyone's disposal without any distinction or discrimination, why should we not proceed on the same basis? What rational argument could possibly justify discrimination on the basis of religion and faith?"²²⁴

Kadivar then goes on to tackle gender inequality arguing that currently, Islamic law believes women have biological, psychological and intellectual defects. However, not only are women capable in all social fields but if racial differences do not lend to inequality, why should gender? Kadivar argues this goes against the spirit of the Qur'ān which accords the same spiritual status for men and women in this world and the hereafter and both genders are meant to aspire for the same level of piety in this world.²²⁵ Finally, Kadivar also argues slavery cannot be considered a legal institution anymore and goes against the human dignity of the individual and that Muslim jurists have been afforded more rights than the human beings which they legislate over. He questions why jurists have been given so much power to intrude in Muslims' personal lives and issue fatawa about the way they dress and interact with other human beings. Rather, they should be put under a greater level of public scrutiny through democratic

²²⁴ Ibid: p. 54.

²²⁵ Ibid: p. 55.

processes.²²⁶ The methodology in Kadivar's approach here is to allow reason to judge the morality and immorality of a human rights case without necessarily having any recourse to scripture. This would put him much closer to An-Na'im (Kadivar also uses the Makkan and Madinan distinction in his analysis²²⁷) as the interpretation of Makkan verses requires a freer use of reason. Overall, Kadivar's solutions to human rights dilemmas involve examining the experiences of human beings in the areas of race or gender and then seeing whether human beings' decision-making has been successful here. If they have, then they can act as a sufficient source to reform jurisprudence.

4.8 Critiquing Kadivar

Kadivar's approach to the Islamic-Western human rights discourse echoes many points of An-Na'im's methodology but where Kadivar differs is in his focus on the role of reason within Muslim jurisprudence. As a Shī'ī intellectual, he brings the Shī'ī tradition within the discourse which many have not done but his use of the Shī'ī tradition is in terms of its philosophical use of reason and some of the universal narrations of the Imāms. He has not examined the Shī'ī tradition in terms of what it can offer to Western human rights; it is used in terms of reforming *uṣūl al-fiqh* and reconciling with the Western philosophical viewpoint. There are major Shī'ī sources such as *Nahj al-Balāgha* and *Risālat al-Ḥuqūq* which have a rights discourse within them but these do not figure in Kadivar's deliberations, nor Sacehdina's – despite both scholars coming from a Shī'ī background. These texts are the focus of my thesis showing another point of departure with the authors discussed thus far. The second criticism of Kadivar's approach is that if he is elevating the role of reason, just as Western human rights does, what is the difference between Islamic human rights and Western human rights? What becomes of *sharī'ah* and what is the true spirit of Islām? Why not simply follow Western human rights and abandon the project of reforming Muslim jurisprudence? This is a similar criticism levelled at Baderin and my thesis departs from them by constructing an identity for the Islamic rights discourse that is both independent of Western human rights but is capable of providing a unifying perspective to it through the concept of the self.

Ultimately, the legal and jurisprudential approaches have a lot to offer to the Islamic-Western human rights discourse because they attempt to carve out solutions from a

²²⁶ Ibid.

²²⁷ For a discussion of his inclusion of this idea, see Kadivar, Mohsen., 'From Traditional Islām to Islām as an end in itself', *Die Welt des Islām*, 51 (2011), pp. 459 – 484.

multi-jurisdictional viewpoint. This is inevitably difficult because of the differing epistemological positions of the international, national and Muslim legal systems. Emon's discourse is significantly historical but he comes up with solutions to human rights dilemmas using the processes and institutions of civil society. Baderin is more practical; he uses both jurisprudential and international legal devices to reconcile the human rights conflicts in the Islamic and Western worldviews yet these are mainly pragmatic and do not go to the heart of human rights dilemmas. An-Na'im is perhaps singled out as offering a new jurisprudential framework through the theory of abrogation and cites common values between the two worldviews in his understanding of constitutionalism. Finally, Kadivar echoes much of what An-Na'im says but focuses on the role of reason in his approach thus emphasising a key epistemological problem in Islamic law within the human rights discourse. I will now show how my thesis departs from the approaches discussed so far and comment on the need for the self in Islamic-Western human rights discourse.

5. Re-evaluating the Notion of Human Rights in the Islamic-Western Human Rights Discourse and Shifting it towards the Concept of the Self

It is my contention that despite the merit of the aforementioned approaches in this chapter, they all have key limitations the primary of which is the lack of attention given to the self in human rights discourse and coming up with a practical framework in order to tackle the evolving understanding of human rights that is neither about Islām or the West but about "boundless desire"²²⁸ which empowers individuals above and beyond legal and social institutions. The scholars analysed in this chapter operate on an understanding that human rights are moral and legal entities that honour individuals, are meant to be promoted throughout the world through international law, operate as social contract between individuals, are *jus cogens* and therefore are peremptory norms for the maintenance of the international legal order and are constructed through an empowered notion of reason that entitles human beings to various categories of social and political rights. This understanding views human rights through political and legal lenses, not through the lens of the self. Scriptural and spiritual approaches, as valuable as they are in providing a worldview of human rights based on God and revelation, are impractical because they cannot be integrated into the current international legal order which is secular and devoid of any revelation. The scholars in this chapter assume that the Islamic

²²⁸ Douzinas: *Human Rights and Empire*, p. 7.

and/or Western conception of rights through either sharī‘ah or international human rights law have valid conceptions of what rights are. Despite their notable attempts to reform the discourse, the underlying problem of human rights as a tool by which to empower or construct the human being to pursue immoral desires are not tackled. It is to this issue I now turn which will allow me to sieve the role of the self in the Islamic-Western human rights discourse as well as identify the points of departure for my thesis.

The first criticism in the way the Islamic-Western human rights discourse operates is in its notion that human rights constitute entities which help human beings by increasing their own dignity, personhood and social well-being – an argument supported by Sachedina, Mayer, Kadivar and Baderin. Though these scholars argue human rights can be abused, none of them actually question this basic premise. Costas Douzinas has devoted much of his work in questioning this premise and I outline his key arguments here. Firstly, far from human rights being natural and innate within human beings, they are in fact institutional entities that are negotiated through political agreements of states. He argues, “rights are tools and strategies for defining the meaning and powers of humanity...the law and rights make a central contribution to the project of becoming a subject through the reciprocal acknowledgement of self and the (mis)recognition of others.”²²⁹ The promotion of human rights is often promoted in the language of what is owed to human beings, what allows them to prosper and what is moral for them but the reality is that rights are used as a discourse to accomplish political objectives and construct subjects around the world to serve those objectives. So when Third-World countries do not have access to rights it is because powerful institutions that promote human rights have made these countries as subjects that need rights. As long as this power relations remains (echoing Foucault’s argument), human rights becomes a valuable tool for dominant nations and “jurisprudence and natural law seem to be ex post facto rationalisation of workings of power.”²³⁰

Secondly, scholars in the Islamic-Western human rights discourse such as an-Na‘īm attempt to define human rights through dignity, reason, reciprocity, the will to live and the will to be free. According to Douzinas, however, the reality is that human rights are a “floating signifier”²³¹ that is subjectively used by the will of the individual or the will of the state. In the name of human rights, invasions and abuses occur and thus rights are not

²²⁹ Ibid: p. 7.

²³⁰ Ibid: p. 11.

²³¹ Ibid: p. 8.

grounded in anything intrinsic. In fact, human rights occupy a position between an ideal and law – always aspiring to guide human beings in their endeavours but rarely implemented procedurally and fairly. Thus the human rights discourse is merely a language for aspirations of a particular social group to enforce its vision of humanity on others. This is where international law does not become a helpful mechanism to actualise human rights. In fact, Douzinas argues international law does not aid human rights in providing basic amenities to those that need it. Rather it is concerned with upholding rights claims of a country and this shifts the human rights discourse from one of humanitarianism to patriotism.²³²

Thirdly, despite the claim that human rights are universal, many groups such as refugees, those considered alien under international law and those who are stateless are not granted human rights. They may possess rights in theory but they are not actualised under international law because human rights are only granted to citizens of states.²³³ This makes human rights an enterprise of states and rich individuals rather than those that truly need them.²³⁴ Linked to this is the notion that since human beings are sovereign decision-makers of rights, human rights are not self-evaluative concepts. Douzinas argues that as God and revelation became severed from the rights discourse, Thomas Hobbes, John Locke, Jean-Jacques Rousseau and Tom Paine advanced the idea that natural law was not abstract but inherent in citizens. These natural rights didn't have a transcendental purpose and so could be manipulated by society.²³⁵ Maududi and Gülen were trying frame the human rights discourse within the sovereignty of God based on an epistemology which posited God as the true interpreter of rights. As human beings are limited in their intellect and capacities, they can never have real sovereignty over rights and this is similar to Douzinas' argument as above.

Here, Douzinas believes there has been a paradoxical development in human rights. Human rights has become like a religion, a new world order where, as Tom Farer

²³² A stark example is the use of NGOs who are meant to evaluate and advise international law policies but they can end up supporting the policies of a state. Douzinas cites the example of one NGO during the September 11th attacks, "the head of programmes for USAID in Afghanistan agreed: 'We're not here because of the drought and the famine and the condition of women. We're here because of 9/11. We're here because of Osama bin Laden.'" Ibid: p. 61.

²³³ For more information on refugee status in international law, see Fatemi, Seyed Mohammed Ghari., 'Who is a Refugee? Comparison of a Misconstrued Concept in International Human Rights, Shī'ī Fiqh and the Iranian Legal System', *The International Journal of Human Rights*, 9(2) (2005), pp. 183-223.

²³⁴ See Douzinas: *Human Rights and Empire*, p. 28.

²³⁵ Ibid: p. 19.

argues, the wars are “between believers in free peoples and markets, on the one hand, and infidels on the other; it is a war between democratic capitalism and its enemies.”²³⁶ Thus, whilst human rights is often seen as being independent from religion in the Islamic-Western human rights discourse (hence the apparent tension between the Islamic and Western worldviews), it has taken on some characteristics of religion by espousing beliefs in democracy, secularism, rights and human sovereignty. These become the “religious” values of human rights though they are severed from the traditional notion of religion as being a system which worships a greater transcendental being or entity such as God.

Fourthly, human rights are a product of modernity and Douzinas argues, “modernity does not just enthrone the individual. It is the epoch of the free reign of will and its darker companion – desire.”²³⁷ Human rights empower the individual to claim his/her desires and do so through legitimate legal processes which validate his/her will. Human rights are seen as a social contract notion and so when I claim my right to life or privacy, I enjoy the subject-matter that I am claiming – my life, my privacy etc... However, through this process I become an autonomous agent constructed in my legal relationship of claiming my human rights. Thus, I obtain more than my right; I define myself through the process of claiming my right and become a fully fledged human rights claimant which both defines me and actualises me as a legal agent. However, this can be dangerous because the traditional conception of human rights as setting moral standards for individuals actually become tools for expressing one’s own social, political and legal needs, independent of any measuring criterion. In fact, human rights is a “a subversive theory destined to foster tension and conflict among states”²³⁸ because human rights treaties explicitly protect persons, not as citizens or representatives of a state but as human beings regardless of state affiliation.²³⁹ Legal and political processes may validate peoples’ claims to rights but it does not stop their expression in society.

Today, we are seeing individual terrorism (for example, the 7/7 and 9/11 bombings), people claiming their right of free speech even though they may abuse another person or religion and people wanting to abort babies in the name of their own dignity. These very

²³⁶ Ibid: p. 32.

²³⁷ Ibid: p. 34.

²³⁸ Cassese, A., *International Law* (Oxford: Oxford University Press, 2005), p. 375.

²³⁹ For example: Universal Covenant on Civil and Political Rights 1996, Art 2 (1) – ‘without distinction of any kind such as race, colour...national or social origin...birth or other status.’ <http://www2.ohchr.org/english/law/ccpr.htm> (accessed 22nd December 2012)

expressions need to be evaluated because they are spurred by a human rights discourse that endlessly empowers human beings without giving them any deeper moral or spiritual worldview in which to assess the very rights they are claiming. If this evaluation does not take place, human rights become artificial legal constructs which are not concerned with human motivations. For example, when you sell someone faulty goods you are liable or when you kill someone, you commit a criminal offence. However, the inner motivation of why the human being committed the offence in the first place is adjunct from legal processes. How can law provide a remedy to a situation of conflict when it is not concerned with what led the human being to commit the offence in the first place? This is the domain of the self, the focus of this thesis, which is where a human being's motivations lie. I argue this needs to be tackled first in the Islamic-Western human rights discourse because it is so fundamental to one's enforcement of a right. This is a line of enquiry which the aforementioned scholars in this chapter have not pursued with the exception of Gülen who has alluded to the idea in his notion of *al-insān al-kāmil*.

Finally, Douzinas states that law can never capture the complexity of individual differences, needs, histories and claims. Human rights advance the claim that all human beings are united together with their capacity for dignity, honour, reason, creative power and sovereignty in this world. The reality is that many human beings feel they do not possess such dignity or are not given the capacity for this creativity because of poverty, injustice and denial of human rights. Human rights generalises the poor socio-economic conditions of individuals and assumes that everyone can access rights. However, our differences construct our identities and the rights we claim. A poor person may not understand the right to privacy but may understand his right for food, right to advance his/her own cultural ethos and the right to not be invaded. These rights are personal to his/her own circumstances and may not be advanced by the human rights agenda of the international community. Thus, if one's claim to a right is outside the definitions of the international community, one's right is not upheld.

This is where Douzinas argues that states advance "military humanitarianism" in order to promote a particular conception of human rights and ignore the differences of human beings in claims for specific rights. Military humanitarianism is where states intend to invade a country in the name of human rights, democracy and what is 'good' and at the same time, give that very country humanitarian aid after the bombing. This is

paradoxical because the promotion of human rights is not done in accordance with the needs of the invaded country in question and the humanitarian aid sent afterwards merely reflects what the invader psychologically lacks. America may consider Iraq to be a suffering victim at the hands of an evil-doer, Saddam Hussein, so it considers itself the moral rescuer. All of this, however, is a reflection of our own limitations as human beings and how we wish to satisfy our insecurities by creating human beings that become “infinite collector of rights.”²⁴⁰ If there is a human rights problem in the world, the solution is to give people rights, whether these rights are actually suitable for them or not. The real problem, Douzinas express, is “we present the Other as radically different, precisely because he is what we both love and hate about ourselves, the childhood and the beast of humanity.”²⁴¹ We, as human beings, are the suffering victim needing fulfilment and justice in our lives, we create our own problems by promoting injustice and hence we are the evil-doers. However, we are also the rescuers since only we can stop this vicious circle. Until we appreciate the Other as an equally honourable human being, we will be trapped in our conceptions of suffering, evil and rescue and this widens the gap of justice and injustice in the world.

Thus, Douzinas’ five arguments are rooted in shifting the human rights discourse to evaluating human desires, psychological insecurities, empowerment and identity. If these are not tackled, any theory or framework to combat human rights dilemmas, particular those in the Islamic-Western discourse, may fail. Moreover, all of these relate to how a human being sees his/her self i.e his/her identity, consciousness, personality, soul or ‘I-ness.’ This is a strand that is seldom discussed in the Islamic-Western human rights discourse which gives a major departure point for my thesis: the relevance of the self in the Islamic-Western human rights discourse. It is to this issue I now turn.

6. The Role of the Self in the Islamic-Western Human Rights Discourse and Points of Departure of this Thesis

The contribution of my thesis which makes a marked difference from the approaches discussed thus far to the discourse is looking at human rights from the lens of the self. All of the scholars have admitted that human rights are abused by both Muslim and Western states, shari‘ah needs to be reformed or at least, modified in some way to meet

²⁴⁰ Douzinas: *Human Rights in Empire*, p. 50.

²⁴¹ Ibid: p. 86.

the evolving needs of human rights, the suffering of human beings should be the foremost concern of international law and a criteria needs to be suggested in order to provide a unifying worldview to human rights and make them meaningful to people – not as merely as claims but as moral entities. Douzinas argues, “the other comes first. I exist through my relating to the ‘existence of others, to other existences, and to the otherness of existence’. To be just to the other we need criteria but those available misfire.”²⁴² Sachedina opens up the enquiry of looking at one’s fiṭrah, soul and personhood within human rights discussions²⁴³, Baderin argues there needs to be greater human rights education²⁴⁴, An-Na‘īm roots his reformation of Islamic law in the alleviation of suffering around the world²⁴⁵ and Gülen argues human beings must strive to become *al-insān al-kāmil*.²⁴⁶ My question is how will this be accomplished if human beings are not educated on the nature of the self and in particular, a framework in order to access that self?

In line with Douzinas, it is my contention that human rights are fundamentally expressions of human wants and desires. They are not just legal and political entities though they are certainly influenced by legal and political processes. Today, however, we see a major shift in human rights. Human rights can subvert state machinery and do not require political processes for their expression. Where does this leave human rights today? Human rights become independent claims of human beings and these claims can rise above legal systems, Muslim or Western. I believe the task should be to create a practical framework for the self which allows human beings to understand their identity and claims better. This can only be done by adding a new group of rights inspired by Kant and Zayn al-‘Ābidīn which are termed as ‘duties to oneself’ and ‘rights to the self’ respectively. This group adds to the common division of rights as expressed by Baderin where rights are essentially civil and political rights (for example, the right to self-determination and the right to life), economic, social and political rights which are aspirational in nature and based on positive action (such as the promotion of wealth, education and voting rights in the world) and finally, collective rights which emphasise the solidarity of all human beings in working together to for a better world which

²⁴² Ibid: p. 294.

²⁴³ See: Sachedina: *Islām & the Challenge of Human Rights*, pp. 93 – 100.

²⁴⁴ See: Baderin: *International Human Rights*, pp. 222-3.

²⁴⁵ See: An-Na‘īm: *Toward an Islamic Reformation*, pp. 186-7.

²⁴⁶ See: Thomas Michel, S.J., ‘Sufism and Modernity in the Thought of Fethullah Gülen’, *The Muslim World*, vol. 95 (2005), pp. 341-58.

includes helping the environment.²⁴⁷ None of the scholars have viewed rights in relation to the self.

I argue that first, the self needs to be defined and factored into the Islamic-Western human rights discourse to ground human rights in a more intrinsic concept. This would broaden human rights from being merely legal and political entities to entities related to the self. However, in my view, the analysis cannot end there and Douzinas has already commented on the need for this. What he has not done and what the scholars in this chapter have not provided is how to give a framework to the self which can be sieved within human rights discourse and even legal and social mechanisms. I argue that this framework stems from an analysis of key works of ‘Alī b. Abī Ṭālib, Zayn al-‘Ābidīn, Kierkegaard and Kant who define the self but in particular, help lay the seeds for a framework for the self so that it can be practically understood today. I will construct this framework in chapter four using the contributions of these four scholars.

Zayn al-‘Ābidīn in particular has a notion of rights to the body through the self. For example, a person owes a duty to his/her eyes, ears, tongue, hand, stomach, private parts and legs before he/she owes duties to other human beings. At the same time, these bodily organs have rights over us. So my hand as a right over me in order that I should not use it to terrorise others or my tongue has a right over me in order that I do not use to speak obscene language. This relationship between the self, body and rights is unique and was expressed in the 7th century yet it is crucial today in nurturing a different notion of rights amongst human beings. Whereas Western human rights empowers people’s desires and Islamic human rights may restrict the use of reason in deriving norms, the framework to the self that I am proposing may be able to nurture a self-reflective understanding of rights. This is accomplished through a reflective interaction between bodily devices, the duties a human being owes to them and how in this process he/she can understand his/her own identity better as well as the rights and duties he/she owes to others. My argument is that before any social contract notion of human rights, there must be an ‘internal human contract’ which educates a human being through his/her own self as to what rights are, his/her own capacities and his/her notion of morality. This reflective approach of rights through the self is the major departure point of the thesis from the approaches discussed in this chapter.

²⁴⁷ See: Baderin: *International Human Rights*, p. 21.

Therefore, the defining points of departure for this thesis are the following. Firstly, I am looking at the Islamic-Western human rights discourse through the concept of the self, which will be defined through the works of ‘Alī b. Abī Ṭālib and Søren Kierkegaard. Secondly, I am providing a framework in which to access this self through the notion of rights to the self which forms the internal human contract of the human being. This has been inspired by the works of Zayn al-‘Ābidīn and Immanuel Kant. The use of bodily devices in the discussion on human rights is almost non-existent and I am attempting to include it in the Islamic-Western human rights discourse. Thirdly, I am moving away from the classical legal paradigm in which the Islamic-Western human rights discourse has been looked at. The use of uṣūl al-fiqh in reforming Islamic law or engaging it with the Western system of human rights has been the primary approach as seen in the works of Emon, Baderin, An-Na‘īm and Kadivar. I argue that there needs to be a paradigm shift in the way law is looked at and how rights are conceived. Thus I am starting from a philosophical and metaphysical viewpoint but then integrating it with law. This multi-disciplinary approach was not found in the works of Gülen, despite his elaboration on the metaphysical view of human rights.

Fourth, I am laying the foundations for a framework in this thesis that can positively contribute to both the Islamic and Western worldview of rights. The scholars examined in this chapter have looked at what the Islamic tradition lacks when it comes to engaging with human rights and so they engage in reforming it. However, I am looking at what it can positively contribute to the Western human rights system as well and therefore I do not consider international human rights law to be only way in which human rights can be seen, which has been the view of Sachedina and Mayer. Thus, I am attempting to unify both worldviews under my framework for the self through a comparative analysis of the four aforementioned authors that guide this thesis. Fifth, my aim is to increase the education of human rights amongst all individuals including world leaders, which was an area that virtually all scholars cited as a problem in the realisation of human rights around the world. This education can be accomplished by formulating a practical framework for the self, which at the least, increases awareness of what rights are to people in a meaningful way without taking away their own identity, culture and history. Sixth, I am specifying a specific tool in order to accomplish this education – rights of the self, which can transcend religious doctrines and secularism, even though it is inspired from religious sources. This allows the tool to appeal to a broad cross-section of human beings.

Finally, I am highlighting the potential of the Shī'ī tradition in contributing to the Islamic-Western human rights discourse which has not been focused upon with much depth by the scholars discussed in this chapter. In fact, the Shī'ī perspective is often dismissed as a minority view. This is strange considering the honoured status 'Alī b. Abī Ṭālib holds amongst the Shī'a and Sunni as well as the potential for comparison with Søren Kierkegaard. The same applies to Zayn al-'Ābidīn and comparing his thought to Immanuel Kant. I will therefore be going back to primary classical sources to not only show the potential of the Shī'ī tradition in the human rights discourse but its ability to be compared to the Western philosophical tradition. I will now proceed to define the self using a comparative analysis of 'Alī b. Abī Ṭālib and Søren Kierkegaard which will help to position it in the Islamic-Western human rights discourse.

Chapter Two

The Nature of the Self in Kierkegaard's Eighteen Upbuilding Discourses and 'Alī b. Abī Ṭālib's sermons in Nahj al-Balāgha

Having identified the lack of deliberation on the role of the self in the Islamic-Western human rights discourse, this chapter aims to explore a conception of the self which can be used in relation to human rights. The focus here will be on offering an authentic meaning of the self for a human being based on the works of two authors – the discourses of Søren Kierkegaard in Eighteen Upbuilding Discourses and the sermons of 'Alī b. Abī Ṭālib in the compilation of Nahj al-Balāgha. These authors have been chosen because of the attention they give in analysing the self in everyday human affairs which positions the self in a wider context; the two authors connect the self to the very human arena in which it operates; the arena of worldly attachment, base desires, struggle, despair, enmity, character building, patience and more.²⁴⁸

This arena is crucial for my thesis as I am arguing that understanding, respecting and implementing human rights can only come about when there is a realisation of the roots of where these rights emerge and how deeply connected they are to the human self. Without this basic connection, the project of a universal set of human rights that is meant to guarantee harmony and stability in both the private and public of the human being may fail. The self, therefore, grounds human rights much deeper than rational agency, human dignity, social contract, inalienability and political will (themes analysed in the previous chapter). Interestingly, Kierkegaard makes this acute connection in *Strengthening the Inner Being*:

“If the human being is to rule, then there must be an order in the world; otherwise it would be mockery of him to assign him to control brute forces that obey no law. And if he is to rule then there must be a law within him also; otherwise he would be incapable of ruling; either he would disturbingly interfere, or it would be left to chance whether he ruled wisely or not.”²⁴⁹

²⁴⁸ For an examination of these themes, see Mooney, Edward F. *On Søren Kierkegaard: Dialogue, Polemics, Lost Intimacy, and Time* (Aldershot: Ashgate, 2007).

²⁴⁹ Kierkegaard, Søren., *Eighteen Upbuilding Discourses* (trans. Hong, Edna and Hong, Howard) (Princeton University Press, 1990), p. 84.

After commenting on those traits needed to develop the self morally in sermon 176, ‘Alī b. Abī Ṭālib also connects the self to the arena of injustice. He states that “the injustice that will not be left unquestioned is the injustice of men against other men. The retribution in such a case is severe.”²⁵⁰ It is precisely the “law within him” and effect of an unjust self towards other men, which provides the bridge to the discourse of human rights. This has a corresponding effect on how a human being rules or in our modern world, governs.

My chapter aims to analyse how Kierkegaard looks at the self when it is faced with moral struggle, hope and despair. The Discourses offer the most accessible entry point in which to comprehend Kierkegaard’s view of the self in practical circumstances. By exploring a holistic meaning of the self based on the two aforementioned authors, I will be able to construct a notion of the self that can be used in a practical framework which can be sieved in the Islamic-Western discourse on human rights. The chapter will be based on the two texts mentioned, Eighteen Upbuilding Discourses and Nahj al-Balāgha; however, other works by the authors will be used where necessary. The authors’ definitions of the self will be contrasted and then the way in which they position the self in relation to three themes will be examined. These themes are: the self in relation to God, the self in relation to self-knowledge and moral development and the self in relation to suffering.

7 Kierkegaard’s and ‘Alī b. Abī Ṭālib’s Definition of the Self

7.1 Kierkegaard’s Definition of the Self

As has been oft-quoted, Kierkegaard defines the self as that “which relates itself to its own self . . . is that in the relation that the relation relates itself to its own self.”²⁵¹ Many have pointed to the complexity of this definition describing it as “paradoxical”²⁵² but ultimately, the self in Kierkegaard’s eyes is always in the process of becoming. It is a personal consciousness that is relational – relational to what it was before and what it can become. It is precisely this constant activity and stream of consciousness that

²⁵⁰ Sayyid Shareef Ar-Razi: *Nahj al-Balāgha – Imām Ali bin Abī Ṭālib’s Sermons, Letters, and Sayings – Arabic and English*. Translated by Syed Ali Raza (Qum: Ansariyan Publications, 2007), volume 1, sermon 176, p. 664.

²⁵¹ Kierkegaard, Søren., *The Sickness unto Death*, trans. W. Lowrie (New York, 1954), p. 146.

²⁵² Stack, George., ‘Kierkegaard: the self and ethical existence’, *Ethics*, 83, no.2, (1978), pp. 108-125, p. 118.

constitutes the self. Moreover, this dynamic and dialectical synthesis should always aim for an upward movement in which there is a continual redefining of the self which aims for an authentic existence; one that has an honest commitment to understanding his/her self and striving for greater moral ideals. As Evans argues:

“[Kierkegaard’s] emphasis on the relation of the self to itself is not a claim that the self can be understood in isolation. Rather, even when we focus on the individual self, we find not a simple entity, but a complex relationship. As spiritual beings, humans are relational right down to the core, even on the “inside,” so to speak.”²⁵³

This complex relationship involves a spiritual journey to authenticate itself. Here, Kierkegaard believes a human being must traverse from an ‘aesthetic’ existence, a lifestyle as Moore argues, “in which people are absorbed in satisfying their ‘natural’ desires and impulses, whether physical, emotional, or intellectual” to an “ethical” existence and then finally, a “Christian” existence.²⁵⁴ An ethical existence is one in which a person takes responsibility over his/her actions and makes a choice between moral and immoral actions. Here, a human being tries to continually transcend his/her own worth by building a life based on moral values and fulfilling their obligations. It is at this point that a person realises who he/she is in front of God. This is the beginning of a Godly but specifically, Christian existence – a life in emulation of Christ.

Yet Kierkegaard goes deeper in articulating the spiritual and moral transformation that should occur in the Christian existence. This involves appreciating the “movement from the aesthetic, the metaphysical, to the ethical, the religious and the Christian-religious.”²⁵⁵ Moore argues this involves three things:

“(1) Infinite resignation – dying to the world, the willingness to sacrifice any finite good for the sake of God. (2) Suffering – undergoing a transformation of the self, though not by the self. It is the process of undergoing “self-annihilation” so that God, not self, can

²⁵³ Evans, C. Stephen., *Søren Kierkegaard’s Christian Psychology: Insight for Counseling and Pastoral Care* (Vancouver: Regent College Publishing, 1990), p. 46.

²⁵⁴ Moore, Charles E., *Provocations: Spiritual Writings of Kierkegaard* (Farmington: Plough Publishing House, 2007), p. xx.

²⁵⁵ Kierkegaard, Søren., *Concluding Unscientific Postscript*, trans. Hong, Edna and Hong, Howard (Princeton University Press, 1992), p. 298 – 99.

do his transforming work. (3) Guilt – the feeling of one’s inability to give oneself completely, unreservedly, to God.”²⁵⁶

These three themes are actually explored in *Eighteen Upbuilding Discourses* to the extent that they drive the transformation of the self through God. In *Every Good Gift and Every Perfect Gift is from Above*, Kierkegaard states,

“What he drives home is that just as God’s almighty hand made everything good, so he, the Father of lights, ever constant, at every moment makes everything good, makes everything a good and perfect gift for everyone who has enough heart to be humble, enough heart to be trustful.”²⁵⁷

It is only by trusting God and making the heart humble that this self-annihilation occurs. The journey from the aesthetic to the ethical and Christian is an arduous process where one experiences suffering but one which truly captures Kierkegaard’s definition of the self as a relational activity to what it was before and what it can truly become; a kind of synthesis of actuality and ideality in constant motion. This journey must be motivated by passion i.e a human being must have a zeal to gain knowledge of his/her self. This can only come about by choosing to initiate a journey of moral commitment and responsibility. Passion and choice, two very subjective factors, are actually the core drivers for self discovery. Whilst the self is a constant process of becoming, it must be driven to undergo this continual change and only a human being’s passion and willed choice can accomplish this. Kierkegaard beautifully sums up this motivation in *Either/Or*:

“The individual . . . becomes conscious of himself as this definite individual, with these talents, these dispositions, these instincts, these passions, influenced by these definite surroundings, as this definite product of a definite environment. But being conscious of himself in this way, he assumes responsibility for all this.”²⁵⁸

Thus, Kierkegaard advocates becoming an authentic individual by choice and this means being conscious of the self and its capacity to continually transcend its own existence.

²⁵⁶ Moore, *Provocations*: p. xxii.

²⁵⁷ Kierkegaard, *Eighteen Upbuilding Discourses*, p. 40 – 41.

²⁵⁸ Kierkegaard, Søren., *Either/Or*, trans. Hong, Edna and Hong, Howard) (Princeton University Press, 1987), 2:255.

1.2 Kierkegaard's Understanding of the Relationship between the Self and the Spirit

When the individual 'authenticates' himself/herself in this way, he/she becomes a responsible person – one that engages in constant examination of his/her self and the actions emanating from his/her self. At times, Kierkegaard uses the terms 'spirit' and 'self' interchangeably whilst at other times he appears to use them distinctly. For example, he says in *Strengthening the Inner Being*, "but God is spirit and therefore can give a witness only in the spirit; it is in the inner being."²⁵⁹ Here God appears to be the spirit thought it is admittedly difficult to decipher whether the self and spirit constitute two separate entities. However, when looking at Kierkegaard's philosophy as whole, one could conclude that both terms acquire the same status in a human being's process of becoming and transformation. As such, it may only be a linguistic concern but others such as Stack have attempted to differentiate the two:

"Consciousness, as spirit, is that by which the psychophysical, dynamic synthesis of individual being is sustained. That is, it is in its relational activity. Self-consciousness is capable of synthesizing the various aspects of the self in such a way that one's existence has a semblance of continuity and integral self-being. The self is a particular dynamic synthesis, a dialectical relationship among body, consciousness, and spirit. Ultimately, the spiritual intensification of personal existence is the ethical goal for man."²⁶⁰

What is interesting about Stack's analysis and a point which I will elaborate in my comparison with 'Alī b. Abī Ṭālib's thought on the self is that the spirit is seen as a kind of sustaining force whilst the self is the product of the synthesis arising from that force. This is much closer to the Qur'ānic understanding of the spirit (*rūḥ*) and soul (*naḥs*) where the spirit is an energising life force – a power which no created thing can do without. Hence, in the Qur'ān, God proclaims in the creation of Adam that He "breathed into him of My spirit"²⁶¹ showing that it was His spirit that gave life to Adam; whilst the soul is regarded as a personal entity, capable of progression to God or regression away

²⁵⁹ Kierkegaard, *Eighteen Upbuilding Discourses*, p. 88.

²⁶⁰ Stack, George., 'Kierkegaard: the self and ethical existence', p. 119.

²⁶¹ Qarāṭī: *The Qur'ān*, 15:29.

from Him.²⁶² Nonetheless, Kierkegaard's emphasis on self-consciousness as a dynamic process of discovering one's identity is always geared towards an expansion of the subjective inward self, the *Egoitet*. Kierkegaard explains that,

"We forget that egotism [Egoisme] is one thing and I-ness or subjectivity [Egoitet] is another, and that although God is infinitely far from being an egotist, he nevertheless is the infinite subjectivity (he cannot be otherwise)."²⁶³

The development of one's *Egoitet* is connected to God's infinite subjectivity – again showing Kierkegaard's very distinct epistemological position of the self as the interpreter of its own existence as well as God's. This close relationship which is meant to be cultivated by a human being is the loftiest type of relationship in which personal expression, authenticity, ethical existence and transcendence are combined which again exemplifies the benefits of discovering one's self. Overall, we find that Kierkegaard's definition of the self is based on the continual process of transformation, driven by one's passion and choice. This makes this process a subjective one but based on objective ideals to journey from the aesthetic to the ethical and Christian. The self, therefore, is a dynamic personal entity that must be examined, engaged with and harnessed to realise its full potential which elevates a person from a linear and/or unethical existence to a passionate and/or ethical one.²⁶⁴

1.3 'Alī b. Abī Ṭālib's Definition of the Self

The word in Arabic for self and/or soul is *nafs*. Others have argued *nafs* also means one's identity and ego.²⁶⁵ It is commonly identified as one's self but looked at in a multi-dimensional and metaphysical manner that means the soul, which includes one's psychological, ethical and intellectual dimensions. In sum, however, *nafs* is one's I-

²⁶² For example, in Surat al-Shams, God states, "By the Soul, and the proportion and order given to it; And its enlightenment as to its wrong and its right;- Truly he succeeds that purifies it, And he fails that corrupts it!", Ibid: 91:7-10.

²⁶³ Kierkegaard, Søren., *Journals and Papers – Volume 1*, trans. Hong, Edna and Hong, Howard) (Indiana: Indiana University Press, 1967), p. 215 – 216.

²⁶⁴ There is a useful thesis by Magnus Moar which critically explores this process of 'becoming' as well the ethical dimensions of the self: '*Infinte Becoming*': *The Ethical and Religious Implications of Kierkegaard's Notion of the Self* (Doctoral Thesis, University of Sussex, 2009). Link: <http://ethos.bl.uk/OrderDetails.do?uin=uk.bl.ethos.507012> (accessed 22nd December 2012)

²⁶⁵ "...the ego (*nafs*) is the lowest dimension of man's inward existence, his animal and satanic nature." Chittick, William., *The Sufi Path of Love* (New York: State University of New York Press, 1983), p. 12.

ness.²⁶⁶ This immediately strikes a chord with Kierkegaard's *Egoitet* but where differences occur is in the way the *nafs* is presented throughout the Qur'ān and *sunnah* as well as how it is connected with a human being's *rūḥ* (spirit).²⁶⁷ 'Alī b. Abī Ṭālib is arguably one of the best references to explain the self within the Islamic tradition as he has many *aḥādīth* (narrations) on the subject.²⁶⁸ I will use the term 'self' in order to define *nafs* because it has wider connotations than the term 'soul' which may appear to restrict *nafs* to only a metaphysical entity connected to God. The 'self' is also capable of including greater psychological dimensions in line with meanings from classical Arabic dictionaries and enables comparison with Kierkegaard's writings. In keeping with my methodological approach, I will look at narrations outside of Nahj al-Balāgha first to give 'Alī b. Abī Ṭālib's foundational definition of the self before I examine how he contextualises it in his sermons, akin to my approach with Kierkegaard in the previous section.

'Alī b. Abī Ṭālib states, "the self is like a precious jewel, whoever strives for its protection, it will help him attain exalted positions and whoever acts negligently in its protection, it shall pull him towards humiliation."²⁶⁹ He has also famously said, "one who knows himself, knows his Lord"²⁷⁰ and "the inner knowledge of the self is the most

²⁶⁶ According to Allāmah Tabatabāī in his *Tafsīr Al-Mizan*, the word *nafs* indicates that by which a human is human - in other words that essential part of the very being of a human that makes him what he is. See Tabatabāī, Allāmah al-Sayyid Muḥammad Ḥusayn., *Al-Mizan*, 4:1. <http://www.shiaource.com/al-mizan/> (accessed 22nd December 2012)

²⁶⁷ The *nafs* is also referred to in the Qur'ān and *aḥādīth* through the entities of the intellect (*aql*), heart (*qalb*) and spirit (*rūḥ*). Whilst linguistically they can mean different things, in reality each of these terms refers to the self-consciousness of the individual; the difference between them lies in how they relate to a person's self-consciousness, give expression to it and manifest it – particular in relation to spiritual awareness and blindness. For example, the Qur'ān states, "Certainly We have created for hell many of the jinn and humans: they have hearts (*qulub*) with which they do not understand (*yafqahun*), they have eyes with which they do not see (*yubsirun*), they have ears with which they do not hear (*yasma'un*). They are like cattle; rather they are more astray (*adhallun*). It is they who are the heedless (*gafilun*)."²⁶⁹ Qarā'ī: *The Qur'ān*, 7:179. For further information on these entities, see Tritton, A.S., 'Man, nafs, rūḥ, aql', *Bulletin of the School of Oriental and African Studies*, University of London, Vol. 34, No. 3 (1971), pp. 491-495.

²⁶⁸ This is illustrated in notable compilations such as: Tamīmi, Abdallah b. Muḥammad. *Ghurur al-Ḥikam wa Durar al-Kalim* (Qum: Islamic Studies and Research Centre, 1987); Ashūb, Muḥammad b. Ali b. Shahr., *Al-Manāqib Al Abī Ṭālib* (Najaf: al-Matbaa al-Haydariyya, 1956); Al-Harrani, Abū Muḥammad al-Ḥasan b. Ali b. al-Ḥusayn b. Shu'ba. *Tuḥāf al-Uqūl (The Masterpieces of the Intellects)*. Translated by Badr Shahin (Qum: Ansariyan Publications, 2001) and Rayshahri, M Muḥammadi., *The Scale of Wisdom: A Compendium of Shī'a ḥadīth* (London: ICAS Press, 2009).

²⁶⁹ Tamīmi, Abdallah b. Muḥammad. *Ghurur al-Ḥikam wa Durar al-Kalim* (Islamic Studies and Research Centre: Qum, 1987), p. 231.

²⁷⁰ Ibid: p. 232.

beneficial of all such knowledge.”²⁷¹ These narrations are significant because ‘Alī b. Abī Ṭālib makes the self the central entity of a human being – a “precious jewel.” This correlates with the root meaning of *nafs* which is derived from the verb, *naḥasa*, meaning to be “precious, valuable and priceless.”²⁷² Moreover, the self is capable of nobility or conversely, “humiliation.” The only way to safeguard the self is to “know” it and by doing so, one is able to “know his Lord.” This already sets the tone for comparison with Kierkegaard; both are passionate about knowing the self and exploring its capacity for a more ethical and ultimately, Godly existence. Again, Arabic lexicographers have defined the self as possessing a vast ethical range that is capable of progression or regression, very much based on how one manages one’s ego,

“The Tadj al-‘Arus lists 15 meanings for *nafs* and adds two others from Lisan al-Arab: spirit, blood, body, evil eye, presence, specific reality, self, tan, haughtiness, self-magnification, purpose, disdain, the absent, desire, punishment, brother, man. It states that most of these meanings are metaphorical.”²⁷³

These range of meanings are very much in tune with Kierkegaard’s definition of the self in *Either/Or* where he looks at the individual as possessing a range of “talents, dispositions and passions.” All of these traits culminate in the self and give a person his/her unique identity. Thus, when ‘Alī b. Abī Ṭālib describes the self as a “precious jewel”, he is informing people to attach an appropriate worth to their ‘selves.’ This self-worth is actually nobility because in another narration he states, “Whoever discovers the nobility of self shall guard him against lowness of passions and false desires.”²⁷⁴ The lowly passions and false desires constitute the aesthetic existence of Kierkegaard and in the same way, ‘Alī b. Abī Ṭālib is telling the listener to avoid such an existence because it is the opposite of the worth and capacity of the self. Indeed, ‘Alī b. Abī Ṭālib expresses that the world,, “...is sweet and green surrounded by lusts and liked for its

²⁷¹ Rayshahri: *The Scale of Wisdom*, no. 4059, p. 705. For further narrations on knowing the self by ‘Alī b. Abī Ṭālib as well as the other eleven Imāms of the Shī‘ī tradition, see pp. 704 – 706 of this same volume.

²⁷² Cowan, J Milton (ed.), *Hans Wehr - A Dictionary of Modern Written Arabic* (New York: Spoken Language Services, 1976), p. 984.

²⁷³ Th Houtsma, M., *Brill's First Encyclopaedia of Islām, 1913-1936* (Leiden: Brill, 1987), p. 828.

²⁷⁴ Al-Tamīmī, *Ghurar al-Hikam*, p. 710. In a similar vein, he has also said, “Whoever knows the worth of his self will never allow himself to be indulging into passing worldly amusements and shameful deeds.” Ibid: p. 669.

immediate enjoyments. It excites wonder with small things, is ornamented with (false) hopes and decorated with deception.”²⁷⁵

There is, however, a difference in the way that ‘Alī b. Abī Ṭālib elucidates the parts and capacities of the self. He talks about the self in terms of its vegetative, animalistic, rational and Godly divisions which is akin to the traditional conception of the soul in classical Islamic and Western philosophical thought.²⁷⁶ He states,

“O Kumayl, the souls (*anfus*) are four: the augmentative vegetative [plant spirit] (*al-namiyyah al-nabatiyyah*), the sensate animal [spirit] (*al-hissiyyah al-hayawaniyyah*), the sacred rational (*al-natiqah al-qudsiyyah*) [human spirit] and the universal Divine [Spirit] (*al-kulliyyah al-ilāhiyyah*).”²⁷⁷

The narration indicates that human beings can uniquely be characterised by the rational human soul but in turn possess animal and vegetative souls and have the capacity to transcend their own existence through the universal Divine spirit. Not only does this show the evolutionary potential of a human being but the self has a multi-faceted essence that gives a human being a deeper level self-consciousness. This self-consciousness does not have genus or proprium but it is a living substance (*jawhar*), always capable of developing itself to God. Despite the distinctly metaphysical connotations of ‘Alī b. Abī Ṭālib’s narration, this has some likeness to Kierkegaard’s

²⁷⁵ Ar-Razi: *Nahj al-Balāgha* sermon 111, p. 424.

²⁷⁶ Nasr compares Western and Islamic philosophical thought on the issue of the soul, see: Chittick, William (ed.), *The Essential Seyyed Hossein Nasr* (Indiana: World Wisdom Books, 2007), pp. 73 - 85 and Aristotle, *On the Soul* (Loeb Classical Library, 1957), book two. For example, Aristotle discusses that human beings possess both the lower souls of plants and animals as well as the rational soul, indicating on higher capacities.

²⁷⁷ Al-Majlisī, Muḥammad Bāqir. *Biḥār al-Anwār* (Beirut, Lebanon: Dar al-Ta’aruf, 1983), vol. 58, p. 85. In another narration, ‘Alī b. Abī Ṭālib goes into greater detail about the soul and appears to talk not of one soul with four parts but four souls: “The souls are four, the growing vegetative soul, the sensually perceiving animal soul, the rational human soul and the Godly soul. Each one of these has five abilities and two properties: The vegetative soul has the ability to retain, absorb, digest, repel and growth. Its two properties are to increase and decrease. The origination of this soul is from the liver. The sensual animal soul has the ability to hear, see, smell, taste and touch. Its two properties are pleasure and anger. The origination of this soul is from the heart. The rational human soul has the ability of contemplation, remembrance, [attaining] knowledge, understanding and alertness; this is the closest resemblance to the souls of the angels. Its two properties are righteousness and wisdom. This soul does not have [a bodily] source from which it originates. The Godly soul has the ability to persist after annihilation, [to find] felicity in misfortune, dignity in humility, poverty in needlessness, and perseverance in calamities. Its two properties are pleasure and acceptance [at the decree of God]. The origin of such a soul is from Allah and to Him it returns. Allah the most exalted has said: ‘And when I blow my spirit into him’ (The Qur’ān 15:29) and ‘O contented soul return to your Lord being pleased with Him and He with you’ (Ibid 89:28). Reason will be at the centre of all.” Al-Kāshānī, Mohsen al-Fayḍ., *‘Ilm al-yaqīn fī usūl al-dīn* (Qum: Intisharat Bidar, 1980), p. 267.

definition of the self as an entity that is in constant motion of becoming. The very activity of ‘relating to itself’ defines the self and at least by implication, one can argue that the four parts of the soul or the four souls (depending on one’s perception of the self) provide the foundation for this dynamic evolutionary potential.

This process of evolution has been concisely explained by Mulla Ṣadra, the 17th century Shī‘ī philosopher, who argued,

“[Philosophical] demonstration and the Qur’ān agree entirely that learning the divine wisdom (*al-hikma al-ilāhiyya*) and the knowledge (*ma’rifa*) of the human self – I mean knowledge of the Origin and the Return – is to win endless subsistence, and rejecting it is the source of eternal loss...This knowledge makes man the possessor of a great kingdom, because it is the most magnificent elixir. It necessitates universal unneedingness (*al-ghinā al-kullī*), the greatest felicity, becoming similar to the Furthest Good (*al-tashabbuh bi’l khayr al-aqsā*) and assuming as one’s own the character traits of God (*al-takhallaq bi akhlāq Allah*).”²⁷⁸

Here, knowledge of the Origin and the Return is knowledge of one’s creation and his ultimate journey towards God after death. This is the concept of “knowing one’s Lord” and when one is purposefully ignorant of this fact, it is an “eternal loss” – again chiming with Kierkegaard’s emphasis that a human being must try to take on this ethical responsibility of knowing his/her self. This is the height of happiness, “the most magnificent elixir” which has its pinnacle in reflecting God’s attributes in one’s self. This is why the fourth part of the soul in ‘Alī b. Abī Ṭālib’s narration is the universal Divine spirit which is a state of unneedingness, a sense of being free from physical and personal limitations.

‘Alī b. Abī Ṭālib is perhaps more concise than Kierkegaard by saying that “one who knows himself, knows his Lord” because this correlates with Kierkegaard’s journey to have a Christian existence. ‘Alī b. Abī Ṭālib is advocating a similar type of existence -

²⁷⁸ Ṣadra, Mulla., *The Elixir of the Gnostics*, trans. William Chittick (Chicago: Brigham Young University Press, 2003), p. xxii. For further information on how Mulla Ṣadra views the relationship between the soul and spirit, see: Daftari, Abdulaziz., *Mulla Ṣadra and the mind-body problem: A critical assessment of Ṣadras approach to the dichotomy of soul and spirit*. (Doctoral Thesis, Durham University, 2010). Link: <http://etheses.dur.ac.uk/506/> (accessed 22nd December 2012)

an existence that has cognisance of God, what He wants and testifying to His Oneness. This is clarified in *Nahj al-Balāgha* where he states,

“The foremost in religion is the acknowledgement of Him, the perfection of acknowledging Him is to testify Him, the perfection of testifying Him is to believe in His Oneness, the perfection of believing in His Oneness is to regard Him Pure, and the perfection of His purity is to deny Him attributes, because every attribute is a proof that it is different from that to which it is attributed and everything to which something is attributed is different from the attribute.”²⁷⁹

Here, ‘Alī b. Abī Ṭālib is emphasising acknowledgement of God as the most central belief but most importantly, that this belief should be ‘pure’ – not associating God with any attributes. This exemplifies the doctrine of *tawḥīd* (oneness of God) in the fundamental pillars of Islām which shows that God should not be attributed with any characteristics like human beings are and should be kept free from any conceptual divisions – whether by number or thing. This is to avoid *shirk* (polytheism) and maintain the uniqueness and greatness of God’s existence. This immediately shows that for ‘Alī b. Abī Ṭālib, an authentic existence is a Godly one and specifically, one must know and understand God’s existence.

1.4 ‘Alī b. Abī Ṭālib’s Understanding of the Relationship between the Self and the Spirit

The final aspect of defining the self concerns the self’s relationship to the spirit (*rūḥ*). At times, these terms are used interchangeably but in the majority of cases, the Qur’ān as well as in ‘Alī b. Abī Ṭālib’s narrations, there is a firm indication that they are two distinct (though connected) entities. Kierkegaard appeared to use the self and spirit interchangeably but as I have illustrated, others such as Stack have argued he did make a distinction between the two in his works. If we take Stack’s line of reasoning, then this is much closer to the distinction between the self and spirit in Islām and specifically in the thought of ‘Alī b. Abī Ṭālib. The word for spirit is *rūḥ* which literally means “breath of life, soul, spirit (in all senses).”²⁸⁰ The reality, however, is that the word has remained elusive in scripture. The Qur’ān explicitly states, “they ask thee concerning the Spirit (of

²⁷⁹ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 1, p. 22.

²⁸⁰ Cowan: *Hans Wehr*, p. 365.

inspiration). Say: “They question you concerning the Spirit. Say, ‘The Spirit is of the command of my Lord, and you have not been given of the knowledge except a few [of you].”²⁸¹ Perhaps only those have undertaken the task to discover the spirit, particularly in relation to one’s self, constitute the “few.” This underscores the importance of ‘Alī b. Abī Ṭālib’s narration, “one who knows his self, knows his Lord”, showing the significance of understanding the self. The verse above is powerful; the Qur’ān is supporting self-knowledge and so apart from philosophical deliberations, we have an implication that the journeying towards God is a very personal task.

Yet this is not all; scholars have attempted to extract the various meanings of *rūḥ*. It is seen as among the primary emanations to come from the Divine essence.²⁸² Amongst these is the spirit as a creation like the angels but above the ranks of the angels.²⁸³ This description of the spirit is often used in the context of Lady Mary and Prophet Jesus (as well as in relation to other prophets and believers) as a divine aid assisting them. In this context the spirit is often referred to as the Holy Spirit.²⁸⁴ Perhaps more fundamentally, it is used as a life giving agency of God as in the verses referring to the blowing of the spirit into the statue of Prophet Adam and the blowing of the spirit at the immaculate conception of Lady Mary.²⁸⁵ The last usage has been specifically elaborated by ‘Alī b. Abī Ṭālib in sermon 1 of *Nahj al-Balāgha* where he states,

“Allah collected from hard, soft, sweet and sour earth, clay which He dripped in water till it got pure, and kneaded it with moisture till it became gluey. From it He carved an image with curves, joints, limbs and segments. He solidified it till it dried up for a fixed time and a known duration. Then He blew into it out of His Spirit whereupon it took the pattern of a human being with mind that governs him, intelligence which he makes use of, limbs that serve him, organs that change his position, sagacity that differentiates between truth and untruth, tastes and smells, colours and species. He is a mixture of clays of different colours, cohesive materials, divergent contradictories and differing properties like heat, cold, softness and hardness.”²⁸⁶

²⁸¹ Qarā’ī: *The Qur’ān*, 17:85.

²⁸² Raḥmānī, Said., *Tajalli wa – zuhur dar ‘irfān nazari*. (Qum: Markaz Intisharate Daftar Tablighat Islāmi, 1997), 275.

²⁸³ Kashani, Mohsen al-Fayad., *Usūl al-ma’arif*. (Qum: Markaz Intisharat Daftar Tablighate Islāmi, 1984), p. 269 -75. See also: Qarā’ī: *The Qur’ān*, 16:2.

²⁸⁴ See: Qarā’ī: *The Qur’ān*, 5:110.

²⁸⁵ Ibid: 21:91 and 15:29.

²⁸⁶ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 1, p. 26.

The sermon shows that the spirit is akin to a life-force which illuminates and energises the ‘clay’ of a human being. This positions the spirit as a necessary factor in the creation and development of a human being which has a continual effect, through the soul, on a being’s physical growth and properties. Thus, when God blows His spirit into Adam, he develops limbs and organs and is able to appreciate colours and smells. Here, ‘Alī b. Abī Ṭālib makes a clear distinction between the spirit as a life force, a kind of sustaining energy and the product of that force, “the mind that governs [Adam], intelligence which he makes use of, cohesive materials and divergent contradictories.” These latter traits can be interpreted as the human being’s self thus showing that actually, the spirit or *rūḥ* gives emergence to the self but is not the self. The self is what a person cultivates with its God-given and natural faculties, originated by the spirit on the command of God. Here, Kierkegaard’s notion of the spirit as a sustaining force is arguably the same as ‘Alī b. Abī Ṭālib’s conception of the spirit.

The relationship between the self and spirit is captured by ‘Alī b. Abī Ṭālib’s narration, “one who knows his self, knows his Lord” because one who knows his self is accessing his spirit and transcendental origin, which is the connector to God Himself. What is interesting is that in the Arabic of the narration, ‘Alī b. Abī Ṭālib uses a *dhamīr* (personal pronoun) denoting ‘his’ for ‘his self’ (*naḥsahu*) and another *dhamīr* for ‘his Lord’ (*rabbahu*). This is a personal relationship and an individual conception of one’s Lord. Notwithstanding God’s uniqueness and ‘Alī b. Abī Ṭālib’s more theological sermons such as sermon 1, a person that accesses his spirit is actually formulating his own authentic view of God. This correlates to Kierkegaard’s view of God as ‘infinite subjectivity’ which means both scholars favour the notion of individually journeying towards God.

Overall, there is great similarity between Kierkegaard’s and ‘Alī b. Abī Ṭālib’s notion of the self. Both argue it is the most central concern for a human being and when one cultivates it, it truly becomes a jewel which reflects the light of God in a human being. When one ignores it, one falls foul to aesthetic desires and these corrupt a human being’s self. Whilst there are some key differences in the way the spirit is looked at and how much Kierkegaard uses it in his works, a clear distinction can be made between the self and spirit showing that the latter is a life force for a human being whilst the former is uniquely one’s personal identity and essence. The key thread in both scholars’

worldview is being passionate about the self and understanding its capacity to transform itself and journey towards God. Both definitions pave the way for a comparison on how they contextualise the self in real human circumstances which will help me in elucidating a more practical role for the self in the Islamic-Western human rights discourse.

2. Contextualising the Role of the Self in Kierkegaard's Eighteen Upbuilding Discourses and 'Alī b. Abī Ṭālib's Sermons in Nahj al-Balāgha

Having explored the foundational meaning of the self from Kierkegaard and 'Alī b. Abī Ṭālib, I can now go onto analyse how they contextualise the self in real human circumstances. The way in which Kierkegaard positions the self in Eighteen Upbuilding Discourses is diverse as he uses theological, scriptural, moral and philosophical scenarios. This range is significant; it gives us a firm insight into all the dimensions that the self can be associated with. The self is not merely a religious entity but a psychological one. At the same time, it has the ability to connect to God and subjectively analyse itself. These interactions show that Kierkegaard did not separate different environments for the self – as if the self could only be relevant within religion as the soul and not in ethics. This is substantiated by the content of the discourses. For example, in both *One who Prays Aright Struggles in Prayer and is Victorious – in that God is Victorious* and *Think about your Creator in the Days of your Youth*, Kierkegaard orients the self towards building a relationship with God. Whilst in *Strengthening the Inner Being* and *To Preserve One's Soul in Patience*, the focus is more on how struggles in life and everyday situations are opportunities to improve moral traits in one's character. These are decidedly practical and given Kierkegaard's nature of writing as awakening the reader rather than teaching him/her²⁸⁷, they cause the reader, whatever his/her religious background, to focus on moral improvement. As I will argue that whilst these discourses are obviously within a Christian context, they do not reduce their scope and influence in non-Christian contexts and in other subjects such as human rights, precisely because of the universal themes which Kierkegaard addresses.

²⁸⁷ Kierkegaard states in his introduction to *Eighteen Upbuilding Discourses*, "this little book...is called "discourses", not sermons, because its author does not have authority to preach, "upbuilding discourses", not discourses for upbuilding, because the speaker by no means claims to be a teacher." Kierkegaard: *Eighteen Upbuilding Discourses*, pp. ix-vii. See also p. xv.

In a similar vein, ‘Alī b. Abī Ṭālib chooses different theological and non-theological themes in which to position the self. For example, sermon 160 entitled *‘Praise of Allah’*²⁸⁸ is specifically orientated towards enhancing a Muslim’s theological, philosophical and metaphysical understanding of God. This is in addition to the specific reference made to the Abrahamic Prophets, Muḥammad, Moses, David and Jesus. However, when we examine sermon 129 entitled *‘About Measures and Weights, the Transience of this World and the Condition of its People’*, we find a greater focus on the state of morality in this world and how there is a need to cultivate generosity and honesty. It therefore appears that both Kierkegaard and ‘Alī b. Abī Ṭālib are trying to strengthen the listener’s two fundamental pillars of life: religiosity and morality. Both are required to have an authentic and ethical existence which is constantly gaining nearness to God and finding inner contentment.

I have identified three themes within Kierkegaard’s discourses, which also correspond to Nahj al-Balāgha, in which the self is contextualised. These are: the self in relation to faith in God, the self in relation to self-knowledge and moral development and finally, the self in relation to suffering. These themes encapsulate virtually all of Kierkegaard’s discourses with some discourses dealing exclusively with one theme. Whilst all of these themes intersect and interrelate to each other, I will discuss each theme in turn in order to extract the various strands which contribute to an authentic self. Finally, in both texts, the self is referred to in different ways; at times it is one’s soul, inner being or heart whilst at other times it manifests itself in the hopes and fears of the individual and the experiences he/she is going through.

3. The Self in Relation to God

3.1 Kierkegaard’s Approach in Positioning the Self in Relation to God

Kierkegaard positions the self or more appropriately here, the soul and/or inner being, as an entity that should be completely focused on cultivating faith in God. In *Expectancy of Faith*, Kierkegaard proclaims that faith is the “highest good, the most beautiful, the most precious, the most blessed riches of all, not to be compared with anything else, incapable

²⁸⁸ These titles are given by later compilers, not ‘Alī b. Abī Ṭālib – however they correspond to the content of his sermons.

of being replaced.”²⁸⁹ Far from faith being something that is always spoken of as the “same thing”²⁹⁰, it is “qualitatively different.”²⁹¹ It is actually the “kind of wish the perplexed man was seeking, one he could wish for another person with all his might, and with his whole soul, a wish he would dare to go on wishing, ever more fervently, even as his love became ever more fervent...”²⁹² What Kierkegaard is initially implying at the start of this discourse is that faith is considered as out of our reach as it lies in a “concealed in a remote place accessible to human beings only at a great risk.”²⁹³ This is wrong, according to Kierkegaard, because if faith is the highest good which we should strive for and it is something that we wish others would have, then in reality we should have the confidence to understand and develop faith in God. This confidence must come from our self because, “it is something internal that one can only will...”²⁹⁴ This already makes the self as the prime driving force for faith; without an attentive and proactive self, faith does indeed become “like the water the pool Bethesda, about which we read in the Holy Scripture...”²⁹⁵ In his discourses, Kierkegaard desperately tries to connect the reader or listener to a more fruitful journey, one that gives him/her “eternal” and “inner” stability.²⁹⁶ These two words are used throughout *Eighteen Upbuilding Discourses* to connect the self to God and more importantly, to jolt the reader in engaging in self-knowledge. For example, Kierkegaard states,

“not until the moment when there awakens in his soul a concern about what meaning everything within him and he for the world, about what meaning everything within him by which he himself belongs to the world has for him and he therein for the world – only then does the inner being announce its presence in this concern.”²⁹⁷

He clearly regards the self as having the ability to transform through God and not on its own. Moreover, this transformation must be accomplished through an awakening in which one considers his/her position in the world that God created. God, His prophets and scripture collectively become the necessary guides for human beings without whom

²⁸⁹ Kierkegaard: *Eighteen Upbuilding Discourses*, pp. 9 -10.

²⁹⁰ Ibid: p. 8.

²⁹¹ Ibid: p.10.

²⁹² Ibid.

²⁹³ Ibid: p.11.

²⁹⁴ Ibid: p.12.

²⁹⁵ Ibid: p.11.

²⁹⁶ Ibid: p.19.

²⁹⁷ Ibid: p. 86.

our souls would be “trapped like prisoner[s].”²⁹⁸ His extensive use of prophets such as John and Job offer the listener practical examples of individuals who developed faith in God, in amongst great adversity. The prophets offer a practical template for the self in which to navigate through the trials and difficulties of life. So, for the one who is suffering in life, Kierkegaard states:

“Job faithfully accompanies him and comforts him, not, to be sure as if had suffered once and for all what would never be suffered again, but comforts as someone who witnesses that the horror has been experienced, the battle of despair has been fought to the glory of God, for his own rescuer, for the benefit and joy of others.”²⁹⁹

Already, for anyone that intends to introspect on their own difficult circumstances, they are provided a reflective device through the stories of the Prophets – in this case Job. Here, Kierkegaard approaches the self as possessing the ability to engage in a meditative journey across time; being able to imbibe the traits of prophets and then apply them in one’s present life. He is so adamant in doing this that there is a reoccurring structure in his discourses: he begins with a prayer (akin to a *du’a* or supplication in the Islamic tradition³⁰⁰), then a verse from the Bible, then the trials of a particular prophet, the use of philosophical, theological and linguistic tools to extrapolate the deeper meaning behind the verse in question, a bombardment of rhetoric and imagery and finally, jolting questions to awaken the listener. For example, in relation to the trials of Job, he boldly adds rhetoric in *The Lord gave and the Lord took away: Blessed be the Name of the Lord* stating, “but does that mean that it should be utterly devoid of meaning or devoid of application and not pertain to anyone?”³⁰¹ This ‘methodological approach’ which arguably is a strange phrase to use when analysing Kierkegaard as many have said that he is so difficult to read³⁰², makes each discourse like a spiritual stage which one has to accomplish before one reads anymore. Parallels can be drawn with the discipline of *‘irfān* (gnosis or mysticism) in Islām where not only spiritual stages have to be reached

²⁹⁸ Ibid: p. 9.

²⁹⁹ Ibid: p. 110.

³⁰⁰ For information on *du’a* in the Islamic tradition, see: Mamdouhi, Hamid., *Du’a* (Qum: Ansariyan Publications, 2003).

³⁰¹ Ibid: p. 123.

³⁰² For example, Moore argues, “Søren Kierkegaard has been accused of being one of the most frustrating authors to read. He has also been praised as one of the most rewarding. Frustrating, because his style is so dense, his thought so complex, and his words so harsh. Rewarding, because embedded within his writings and journals are metaphors and truths so deep and vivid that they can overwhelm you with an almost blinding clarity. Kierkegaard is not one to be read lightly, lest you get burned.” Moore: *Provocations*, p. viii.

in order to journey towards God but that these stages are taught by a teacher and through emulating the lives of great prophets and saints.³⁰³ Kierkegaard does not intend to be a teacher but in a way, he implicitly becomes this, even if unintentionally as his discourses can be in the words Pattison, “sermon-like.”³⁰⁴

3.2 Kierkegaard’s View of Developing Traits for the Self in its Relationship to God

Once Kierkegaard is able to connect the self with God, making it an exclusive relationship, he develops traits which are essential for this relationship. In *Every Good Gift and Every Perfect Gift is from Above*, Kierkegaard focuses on the trait of thankfulness as one of the most necessary tools to not only appreciate the gifts of God to human beings but as a source of spiritual elevation as well. He says:

“The Apostle Paul says, ‘Everything created by God is good if it is received with thankfulness...yet what does the apostle do? He raises the believer’s mind above earthly and finite cares, above worldly shrewdness and doubt, by means of a devout observation that we always ought to thank God...”³⁰⁵

Thankfulness becomes a state of being, a state in which one rises above finiteness and observes the will of God in every worldly circumstance and object. This is crucial for Kierkegaard because a human being expects that God brings out good gifts and “lays them away for us in heaven so that we can receive them sometime in the hereafter.”³⁰⁶ The reality is quite different; this is a fallacy in which we “tempt”³⁰⁷ God because as Kierkegaard states, “you wanted God’s ideas about what was best for you to coincide with your ideas...and yet if he were to share your ideas, he would cease to be the almighty Father.”³⁰⁸ It is only God who knows what is best for us and any gift that bestows upon us even if it appears to be a suffering is actually a blessing. When we do

³⁰³ For further information on ‘irfān and its stages, see; Shams C. Inati, *Ibn Sina and Mysticism: Remarks and Admonitions, Part Four*. (London: Kegan Paul International, 1996).

³⁰⁴ Pattison, *Kierkegaard’s Upbuilding Discourses*, p. 1.

³⁰⁵ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 42.

³⁰⁶ Ibid: p. 35.

³⁰⁷ Ibid: p. 37.

³⁰⁸ Ibid.

not appreciate this, we lose sight of not only God Himself but our inner being, the self. Here, Kierkegaard explores the intimate relationship of the self with God:

“The apostle uses two phrases. ‘Every good gift’, he says, and thereby signifies the inner nature of the gift, that is sound and blessed fruit with no concealed unwholesome or harmful additive. “Every perfect gift”, says the apostle, and thereby signifies the more intimate relation into which, by the help of God, the good gift enters with the individual who receives it, so that the good in and by itself does not become harmful and ruinous to him.”³⁰⁹

The above quote is a pertinent example of Kierkegaard’s philosophising over biblical verses – he dissects the basic concept and then broadens it and connects to an individual’s life. Here, the good gift “signifies the inner nature of the gift” in which there is no harm to the human being. “The perfect gift” by contrast appears to signify a closer relationship to God in which the goodness of the gift is used appropriately. If we can understand that we are “always to thank God”³¹⁰, we would “understand one thing: that all things serve for good those who love God.”³¹¹ Love for God, which is acquired by the self overcoming its baser worldly desires and replacing them with an eternal orientated desire, a desire for God, is the fundamental quality which Kierkegaard aims to develop in the self of a human being. He desperately wants listeners of his discourses to have a passion for cultivating faith but this can only be done when one feels love for what one is doing. By highlighting thankfulness to God as a key characteristic to appreciate the gifts in one’s life, Kierkegaard attempts to nurture love for God in us.

This is substantiated by his emphasis on accepting one’s own limitations and purpose in life, thereby reducing one’s ego. In *He must Increase; I must Decrease*, he says “generality is not for upbuilding”³¹² and proceeds to highlight another important trait for the self: “every human being is only an instrument and does not know when the moment will come when he will be put aside.”³¹³ Although this is a rather bold statement in which he totally reduces the importance of any human being, he is attempting to get to the very core of what can lead a human being astray from God. According to

³⁰⁹ Ibid: p. 39.

³¹⁰ Ibid: p. 42.

³¹¹ Ibid.

³¹² Ibid: p. 276.

³¹³ Ibid: p. 282.

Kierkegaard, we think that we are set for a grand purpose in life or that the purpose willed for us by God does not apply to us. We are merely in self-denial; using the example of John who paved the way for Jesus, Kierkegaard states:

“John said them in humble self-denial. From the very beginning, he understood this as his mission in the world; therefore in a way he was diminishing from the very beginning... Many a person has been born since that day whose destiny was only to pace the way and who early in his life had to realise that this was his work.”³¹⁴

John’s purpose may be considered less worthy in relation to the mission Jesus had but this is a misconception. It was John’s purpose to pave the way for Jesus and because John realised this, he replied, “this joy of mine is full. He must increase; I must decrease.”³¹⁵ It is God who requires my attention, my acceptance and I, as John, must decrease, must consider myself limited. It is precisely the trait of humility and acceptance of Divine will which is the central feature in these discourses. Even when struggle befalls a human being, it is more important to “bear the loss”³¹⁶ than try to recapture what was before. He likens John to “the bridegroom’s friend, who stands and hears his voice and rejoices greatly...”³¹⁷ implying that rejoicing in God can only be accomplished when we realise our intended position in this world. The self, therefore, must acquire the trait of humility if it is to cultivate a genuine faith in what God has willed for it.

Therefore, there are key strands in Kierkegaard’s approach in positioning the self in relation to God. Faith is the highest good but this can only be accomplished through self-knowledge; we must engage with ourselves. But the origin of this relational self is God, who remains “the actual ground of all selfhood.”³¹⁸ Thankfulness and humility become important traits for the self to acquire and develop a deep and abiding faith in God. The self must recognise that, with every undertaking and in every moment, with every failure and with every success, God exists and is present. For Kierkegaard, to know oneself in one’s own nothingness is to know God in truth, and to know God in truth is to be

³¹⁴ Ibid: p. 279-80.

³¹⁵ Ibid: p. 278.

³¹⁶ Ibid: p. 118.

³¹⁷ Ibid: p. 287.

³¹⁸ C.S. Evans, *Kierkegaard’s Christian Psychology*, p. 49.

moulded into a “new human being.”³¹⁹ I now turn to ‘Alī b. Abī Ṭālib’s view of the self in relation to God.

3.3 ‘Alī b. Abī Ṭālib’s View of the Self in Relation to God

Just like Kierkegaard, ‘Alī b. Abī Ṭālib wants the self to know God and develop faith in Him. In sermon 91, he states,

“The confession of the created things that their existence owes itself to Him made us realise that argument has been furnished about knowing Him (so that there is no excuse against it)... (O' Allah) I stand witness that he who likens Thee with the separateness of the limbs or with the joining of the extremities of his body did not acquaint his inner self with knowledge about Thee and his heart did not secure conviction to the effect that there is no partner for Thee.”³²⁰

There is “no excuse” in not knowing God and in fact, ‘Alī b. Abī Ṭālib expresses that those who consider God in terms of parts – a theological indication through his statement, “separateness of the limbs”, do not acquaint their inner selves with knowledge about God. He firmly states, “there is no partner for Thee.” A core part of the journey of the inner self is to know God correctly, that He has no partner and cannot be humanised in anyway. This is a key theological difference with Kierkegaard who as a Christian and in his references to Christ, may argue that the concept of the son of God (as part of the Christian trinity) is a legitimate view of God’s being. Despite this difference, both are orientating the self towards a correct understanding of God’s nature, which is a difficult task but one which should not be avoided and free from all other engagements. In sermon 160, ‘Alī b. Abī Ṭālib’s states,

“He who frees his heart (from all other engagements) and exerts his thinking in order to know how Thou established Thy throne how Thou created Thy creatures how Thou suspended the air in Thy skies and how Thou spread Thy earth on the waves of water his eyes would return tired his intelligence defeated his ears eager and his thinking awander.”³²¹

³¹⁹ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 316 and p. 325.

³²⁰ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 91, p. 332.

³²¹ Ibid: sermon 160, p. 588.

The heart (*qalb*) is a common substitute for the self in Islām or is regarded as a manifestation of it.³²² When ‘Alī b. Abī Ṭālib states that the heart must be free from all other engagements, he is referring to a person’s state of being – his/her mind, desires, attention and will. Yet even when a human being exerts the effort to do this, ‘Alī b. Abī Ṭālib explicitly states that it is impossible to know God that his “eyes” (another allusion to the heart i.e the eyes of the heart) “would return tired, his intelligence defeated, his ears eager and his thinking awander.” In fact, he has pointed to each faculty of the self thus substantiating his previous narration mentioned early on in this chapter that the soul has four parts relating to animalistic and intellective faculties. The distinction between the limitation of a human being and the unlimited nature of God also figures in Kierkegaard’s discourses when he states that “you wanted God’s ideas about what was best for you to coincide with your ideas...and yet if he were to share your ideas, he would cease to be the almighty Father.”³²³ There is clear affirmation of God’s omnipotence and omniscience but this does not detract from the journey of the self in knowing God. ‘Alī b. Abī Ṭālib states,

“He hopes big things from Allah and small things from men but he gives to man (such consideration as) he does not give to Allah. What is the matter with Allah glorified be His praise? He is accorded less (consideration) than what is given to His creatures. Do you ever fear to be false in your hope in Allah? Or do you not regard Him the centre of your hope.”³²⁴

Again we find that a human being must give due consideration to God. The reality is that we give Him less consideration and give more importance to His creatures. This does not mean neglecting our moral duties to our fellow creatures, which reflects our obedience to God but rather considering the status of our fellow human beings as more important than God’s own status; our attachment to God becomes secondary in the face of our preoccupation with what God has created. Strikingly, ‘Alī b. Abī Ṭālib also uses the examples of the great prophets to illustrate his point. If Prophet Muḥammad found a

³²² For example, the Qur’ān states, “Certainly We have created for hell many of the jinn and humans: they have hearts (*qulub*) with which they do not understand (*yafqahun*), they have eyes with which they do not see (*yubsirun*), they have ears with which they do not hear (*yasma’un*). They are like cattle; rather they are more astray (*adhallun*). It is they who are the heedless (*gafilun*).” Qarā’ī: *The Qur’ān*, 7:179.

³²³ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 37.

³²⁴ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 160, p. 590.

picture on his door, he would inform one of his wives to, “take it away out of my sight because if I look at it I recall the world and its allurements.”³²⁵ ‘Alī b. Abī Ṭālib then comments, “thus he removed his heart from this world and destroyed its remembrance from his mind.”³²⁶ Removing the heart from this world is removing the self from this world because if the self remains attached to any worldly allurements, it continues to remember it. But for God, this is not appropriate. Only He should be remembered and praised – hence the concept of *dhikr* (remembrance) in Islām where it is recommended for every Muslim to remember God through His names. This remembrance is in reality “praise which is not veiled from Thee and does not end and whose continuity does not cease.”³²⁷ The self, therefore, must acquire the trait of praising God and this can only be accomplished when it is free from praising the world and all other earthly engagements. The mention of the simple lifestyles of Prophets Dawud (David), Musa (Moses), Isa (Jesus) and Muḥammad is further proof of this and echoes Kierkegaard’s approach of using them as “teachers and guides for humankind.”³²⁸

3.4 ‘Alī b. Abī Ṭālib’s View of Developing Appropriate Traits to Cultivate Faith in God

When Kierkegaard developed the trait of thankfulness in relation to what God gives and takes away, he was building an intimate relationship between the self and God. Similarly ‘Alī b. Abī Ṭālib does the same thing and the language is almost similar:

“Allah's verdict is judicious and full of wisdom. His pleasure implies protection and mercy. He decides with knowledge and forgives with forbearance... O' my Allah! Praise be to Thee for what Thou takest and givest and for that from which Thou curest or with which Thou afflicttest; praise which is the most acceptable to Thee the most like by Thee and the most dignified before Thee,”³²⁹

We find the same strand of believing in God’s wisdom, protection and knowledge and so every blessing or struggle must be praised. God is the one that “takes”, “gives” and

³²⁵ Ibid: p. 594.

³²⁶ Ibid.

³²⁷ Ibid: p. 588.

³²⁸ See: *The Lord gave and the Lord took away: Blessed be the name of the Lord in Eighteen Upbuilding Discourses*, p. 110.

³²⁹ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 160, pp. 586-8.

“cures”, very much echoing Kierkegaard’s message and words in his discourse, *The Lord Gave and the Lord Took Away*. But again, appreciation of this must be developed through a particular trait. Throughout *Nahj al-Balāgha*, ‘Alī b. Abī Ṭālib emphasises the trait of ‘*taqwā*’ (God-consciousness) which is the central moral characteristic emphasised in the Qur’ān.³³⁰ *Taqwā* can be translated as piety or God-fearing (because its root, *wa-qa-ya*, means to “guard or preserve”³³¹) but it is more accurate to translate it as God-consciousness since it is the cognisance of God’s presence and will, which must be lovingly accepted as well as feared in terms of our accountability to him. This is why ‘Alī b. Abī Ṭālib states,

“O’ creatures of Allah! I advise you to have God-consciousness of Allah which is the provision (for the next world) and with it is (your) return. The provision would take you (to your destination) and the return would be successful.”³³²

There is a strong emphasis on the next world and returning to God which not only shows the transience of this world but that God’s presence is our final end. Similarly, Kierkegaard believes the self must be occupied with the future, “the ability to be occupied with the future is, then, a sign of the nobility of human beings; the struggle with the future is the most ennobling.”³³³ The future and the next world not only involve the accountability of the human being but ultimately, intimacy and closeness with God. This is achieved through cultivating God-consciousness because it “save[s] the lovers of Allah from unlawful items.”³³⁴ When we realise God’s being in our lives, we realise his ever presence and eternity. God is aware, God remembers and God knows and so God-consciousness protects us from immoral actions. Just as thankfulness made us appreciate God’s gifts and humility made us understand our purpose in life in Kierkegaard’s eyes, God-consciousness keeps the self pure from wrongful actions from the perspective of ‘Alī b. Abī Ṭālib.

We can only realise this closeness through a continual understanding of God’s presence which connects the self to God’s very being. ‘Alī b. Abī Ṭālib emphasises this connection when in sermon 87, he elaborates that a person who “did everything only for

³³⁰ There are many verses here – for example, 4:1, 10:63-64, 49:13, 64:16.

³³¹ Cowan: *Hans Wehr*, p. 1094.

³³² Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 114, p. 434.

³³³ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 17.

³³⁴ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 114, p. 434.

Allah and so Allah also made him His own.”³³⁵ There are distinct mystical implications here which later scholars such as Ibn ‘Arabī (d. 638/1240) appear to have developed in our perception of God’s Being.³³⁶ Whilst ‘Alī b. Abī Ṭālib made a distinction between God and the human being, the closeness that he is trying to demonstrate is “on that level of conviction which is like the brightness of the sun. He has set himself for Allah, the Glorified, for performance of the most sublime acts of facing all that befalls him and taking every step needed for it.”³³⁷ The metaphor (*majāz*) of the sun shows that the individual has absolute confidence in God and is guided by Him in every step of his life. Interestingly, Kierkegaard expresses the same sentiment in his discourses, “...just as it is the same God who, after having led us by his hand through the world, draws back his hand and opens his arms to receive in them the yearning soul. Amen!”³³⁸

Overall, ‘Alī b. Abī Ṭālib expresses virtually the same sentiments about the self in relation to God; that it should be concerned with knowing Him and knowing Him correctly. God-consciousness is the key trait to do this and the end goal should always be intimacy with God. The key difference is the theological position which the self would apprehend. In the Islamic tradition, God is One (the doctrine of *tawḥīd*) and cannot be associated with anything but in the Christian tradition, God does have an anthropomorphic connection with Jesus. ‘Alī b. Abī Ṭālib substantiates this by beginning the majority of sermons in praise of God and His simple Divine essence. Kierkegaard, however, begins his discourses with a prayer which also praises God but does not elaborate on God’s own nature. Finally, the mention of prophets in both scholars’ works are present with arguably Kierkegaard building his discourses around a prophet’s story whereas ‘Alī b. Abī Ṭālib build’s his discourses around God’s nature.

³³⁵ Ibid: sermon 87, 314

³³⁶ For example, Ibn ‘Arabī states, “anointed with the antimony of Oneness, by means of all of his faculties and sense organs he contemplates the beauty of God and perceives absolute Being in all of the loci of theophany and manifestation.” Chittick, William., “Ibn ‘Arabī’s own summary of the Fusus – ‘The Imprint of the Bezels of the Wisdom’.” *Journal of the Muhyiddin Ibn ‘Arabi Society*, Vol. 1, 1982: 6. See also: Nettler, Ronald L., *Sufi Metaphysics and Qur’ānic Prophets: Ibn Arabi’s Thought and Method in the Fusus al-Ḥikam* (Cambridge: The Islamic Texts Society, 2003), p. 69 – 101.

³³⁷ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 87, 314

³³⁸ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 29.

4. The Self in Relation to Self-Knowledge and Moral Development

4.1 Kierkegaard's Emphasis on Self-Knowledge

Self-knowledge or in Kierkegaard's terminology, 'upbuilding', is the sole focus of his discourses. This self-knowledge is meant to lead to greater moral development in one's self. Each discourse explores the anxieties a human being goes through in life – from his/her own desires, weaknesses, fears and suffering. These are all rooted in an ignorant or cowardly self that is unaware of its own capability, growth and relationship with God. He readily admits in *He must Increase; I must Decrease* that "self-knowledge is a difficult matter; although it is easy to understand the rest of the world, the understanding suddenly changes very substantially when it pertains to oneself."³³⁹ How apt this is; one can see Kierkegaard's own struggles in his discourses, who he called for help and how he saw the world. This is where the uniqueness of his discourses occurs because Kierkegaard positions the self as the true controller of the events in one's life.

Arguably *Strengthening the Inner Being*, is the prime discourse which focuses on moral development yet there are others such as his three discourses on patience: *To Gain One's Soul in Patience*, *To Preserve One's Soul in Patience*, *Patience in Expectancy* and his lengthy discourse, *Against Cowardliness*, which highlight particular tools one must use or be wary of in order to cultivate positive moral growth. As is Kierkegaard's approach, he sometimes highlights particular devices or moral traits that he believes are the most important for this growth, which I will examine. *Strengthening the Inner Being*, however, truly sets the tone for what the self should focus on. This is substantiated by his opening statement, in "far-fame Rome"... "there lived the Apostle Paul as a prisoner", "he brought with him a teaching...and the unshakable conviction that this teaching would be victorious over the whole world."³⁴⁰ Already the inner being is given great confidence, "unshakable conviction" in being victorious. There is a relentless focus on the "saving one's soul"³⁴¹ and directing it to gain knowledge of itself. Conviction must start the journey of self-knowledge and more than anything else, the focus must be on one's self, not others. Moral development, therefore, begins with a firm resolution – a resolution that stops cowardliness from trapping an individual in "everydayness and

³³⁹ Ibid: p. 275.

³⁴⁰ Ibid: p. 80.

³⁴¹ Ibid: p. 82.

habit”³⁴² – a point repeatedly emphasised in *Against Cowardliness*: “one such means is resolution or coming to a resolution, because resolution joins a person with the eternal into time for him, jars him out of the drowsiness of uniformity...”³⁴³

But it is a resolution that focuses inwards and acknowledges that self-knowledge is “under divine guidance.”³⁴⁴ If God is helping us gain knowledge of ourselves, then we must not feel afraid to begin our journey of introspection and ultimately, strengthening our moral traits. Using the paradigm of Paul, Kierkegaard wants the listener to gain steadfastness, “was he a weak man, then? No, he was powerful. Was he wavering? No, he was steadfast; he mightily strengthened by God’s spirit in his inner being.”³⁴⁵

The opposite of this conviction is devastating and Kierkegaard is quite damning about this. It is a self that is a slave to worldly desires for Kierkegaard states,

“Only the person who has abandoned his soul to worldly appetites, who has chosen the glittering bondage of pleasure and has not managed to extricate himself from its light-minded or heavy-spirited anxiety, only he is satisfied to let the creation bear its witness so that he can shrewdly and prudently use it in the service of the moment. And since the human being is the ruler of creation, it obeys even the unworthy authority.”³⁴⁶

This is precisely why the self must be concerned with strengthening itself; it can become a “glittering bondage of pleasure” and worst of all, “obey even the unworthy authority.” It is a kind of internal chaos which manifests externally as well putting one in a “dark abyss” and this is the most harrowing position for the self. It is a place of emptiness and despair – the key things which Kierkegaard fears for others and one can interpret, himself as well. One can now understand why he devoted three discourses to cultivating the trait of patience in the self. Quoting Luke 21:19, Kierkegaard exclaims “in your

³⁴² Ibid: p. 347.

³⁴³ Ibid. In the same vein, Kierkegaard emphasises the conviction needed to begin the journey of self-knowledge: “who does not forget that higher than saving others is saving one’s own soul, subjugating the unruly mind to the obedience of faith, keeping the straying thoughts in the bonds of love by the power of conviction”, Ibid: p. 82.

³⁴⁴ Ibid: p. 276.

³⁴⁵ Ibid: p. 83.

³⁴⁶ Ibid: p. 84-85.

patience ye shall win your souls.”³⁴⁷ Thus, commitment to understand one’s self and possessing moral strength are crucial in Kierkegaard’s process of upbuilding.

4.2 Patience as a Key Trait in Moral Development in Kierkegaard’s Discourses

In order to develop this moral strength, Kierkegaard highlights patience as one’s “spiritual advisor”³⁴⁸ which stands by a person giving them strength, conscience and judgement.³⁴⁹ It is “comforting”³⁵⁰ to an individual who is constantly suffering, experiencing all the dangers of life. Here, Kierkegaard is very specific. He is talking about the internal will of an individual to “[wrench] himself out of the sufferings.”³⁵¹ This is in stark contrast to one who is impatient because impatience is the “old hypocrite”³⁵² and “evil spirit”³⁵³ that is the root of all sin. Impatience fails to preserve, fails to understand the situation at hand. The use of these two opposite traits represent the opposite ends of the spectrum for the self. It is here that Kierkegaard delves into what the self specifically needs to gain internal moral stability. He makes the trait of patience come to life as if it is a counsellor and guardian of the soul thus exploring the arena of moral conflict within the self. Not only is this a very specific and metaphorical technique in which we are made to understand how the self can attach itself to moral traits but it deeply teaches the listener all the gains and pitfalls in the journey of moral development. This is succinctly illustrated when Kierkegaard elaborates on the role of patience,

“Patience wants to preserve only the soul; it has the courage to give up everything else; and when the soul does not believably aspire to the eternal, does not hopefully hurry toward the future, is not loving in understanding with God and human beings, then the soul is lost; but if, on the contrary, it announces itself in this powerful presence, then the

³⁴⁷ Ibid: p. 180.

³⁴⁸ Ibid: p. 197.

³⁴⁹ Interestingly, Rudd argues that, “patience has always been recognized as a virtue, but it has not figured very prominently in either ancient or recent philosophical discussions of the virtues. (It is not explicitly discussed in Aristotle’s *Nicomachean Ethics*, and in a good recent systematic treatment of virtue ethics by Rosalind Hursthouse, there is not even an index entry for patience [see Hursthouse 1999].)” Rudd, Anthony., ‘Kierkegaard on Patience and the Temporality of the Self: The Virtues of a Being in Time’, *Journal of Religious Ethics* (2008) 36 (3):491-509, p. 493.

³⁵⁰ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 191.

³⁵¹ Ibid: p. 181.

³⁵² Ibid: p. 196.

³⁵³ Ibid: p. 226.

single individual has indeed saved his soul, however diverse the meanings the words may have for different people.”³⁵⁴

Patience is a central virtue here – a trait with a “powerful presence” which explicitly connects us to the “eternal” and brings harmony in our relationship with God and human beings. It is so crucial that without the soul is lost. Here, it is possible to argue as Rudd does that,

“ ‘faith’ in *Sickness* is not really distinct from “patience” in these discourses, for Kierkegaard holds a very strong version of the unity of the virtues thesis; all the virtues are fundamentally just the central virtue of faith, that is, the acquisition and maintenance of selfhood, seen from different perspectives.”³⁵⁵

As such, patience is merely another word for faith from a different perspective. Thus one could interpret Kierkegaard’s aforementioned explanation about patience as in the meaning of ‘faith’ which wants to preserve only the soul, not the specific trait of patience. I would, however, argue that Kierkegaard’s devotion to three discourses on patience shows he aims to dissect the concept as an *aid* to faith, whereas faith is distinct and means love for God. Therefore, a distinction can be made here as the Discourses’ focus on those things that increase or decrease faith show a separation between the cultivation of a trait and what that trait relates to, which is faith. The arena for all of this development is of course the self. Why? It enables a person to reflect on why there is a danger, how to overcome it and trust God – crucial components to develop moral growth and faith in God.

Finally, once a person is able to stand back from the turbulent waves of his life through patience, he must transform his noble intentions into moral actions. Kierkegaard states, “it is also wretched...to have an abundance of intentions and a poverty of action, to be rich in truths and poor in virtues.”³⁵⁶ Earlier on I mentioned cowardliness as one of the traits that Kierkegaard loathes and this is because it halts moral development. It can make an individual “forget everything that is noble and sacred and makes him a slave in the service of the world...until he, trapped in everydayness and habit, becomes alienated

³⁵⁴ Ibid: p. 193.

³⁵⁵ Rudd, Anthony., ‘Kierkegaard on Patience and the Temporality of the Self’, p. 500.

³⁵⁶ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 351.

from the eternal and original;”³⁵⁷ Being a slave of the world is the biggest obstacle to moral growth and it fosters cowardliness to take responsibility for having an authentic and ethical existence. According to Kierkegaard, God dislikes cowardliness; rather he loves self-control.³⁵⁸ When the self acquires this resolve, nothing can stop it from developing its moral capacity to the fullest. Overall, Kierkegaard emphasises strengthening the inner being through patience and resolution in order to detach one’s self from base desires, worldly allurements and focus on developing positive moral characteristics for one’s self.

4.3 ‘Alī b. Abī Ṭālib’s View of the Self in Relation to Self-Knowledge and Moral Development

‘Alī b. Abī Ṭālib equally focuses on how the self should morally develop itself but does so by devoting a lengthy sermon on the appropriate spiritual and moral techniques to accomplish this. He does, however, like Kierkegaard mention traits such as patience and translating intentions into actions as important tools but then focuses more on implementing justice in one’s private and public life. Justice is in fact one of the central themes in *Nahj al-Balāgha* showing that ‘Alī b. Abī Ṭālib’s view of internal stability is when one is just to his/her own being as well as others (in comparison to Kierkegaard who emphasised patience as the defining quality here). In sermon 87, which is arguably one of the most mystical sermons in *Nahj al-Balāgha*³⁵⁹, he tells people:

“O servants of Allah! The most beloved of Allah is he whom Allah has given power over his self, so that his inner side is (submerged in) grief and the outer side is covered with fear. The lamp of guidance is burning in his heart.”³⁶⁰

³⁵⁷ Ibid: p. 347.

³⁵⁸ Quoting Timothy 1:7, Kierkegaard proclaims, “God does not give a spirit of cowardliness but a spirit of power and of love and of self-control.” Ibid: p. 360.

³⁵⁹ Ibn Abi al-Hadid states sermon 87 concerns the *arif* (knower) and in order to make sense of this sermon, “we must refer to the scholars of the science of *tariqah* (way) and *haqiqah* (reality)”, indicating on the science of *irfān*. al-Hadid: *Sharḥ Nahj al-Balāgha*, volume 6, 365. Mutahhari concisely explains the distinction between *tariqah* and *haqiqah*: “the *urafa*’ believe that the esoteric aspect of the Shari’ah is the Way, the *Tariqah*, at whose end is the Reality (al-*Haqiqah*), that is *tawhid* (in the sense mentioned earlier), which is a stage acquired after the obliteration of the *arif*’s self and his egoism. Thus the gnostic believes in three things: the Shari’ah, the *Tariqah*, and the *Haqiqah*, and that the Shari’ah is the means to, or the shell of the *Tariqah*, and the *Tariqah* again is the means to or the shell of the kernel of *Haqiqah*.” Mutahhari: *Understanding Islamic Sciences*, p. 95.

³⁶⁰ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 87, p. 314.

These lines indicate that the most important technique is to control one's self. This point has already been mentioned in sermon 176 in relation to controlling desires but here, 'Alī b. Abī Ṭālib elaborates that the person who has power over his self is "the most beloved of Allah." This means beyond any form of worship or religious doctrine, morally developing one's self depends on the practical ability to reduce one's immoral desires – a point repeatedly mentioned by Kierkegaard in virtually all of his discourses.³⁶¹ If a person is greedy or lustful, lazy or deceitful then all of these traits stop him/her from progressing towards God. In fact, there is little point in worshipping God when all of these traits exist in one's self. According to 'Alī b. Abī Ṭālib, Allah would rather have a servant of his who is in as much as control as possible over his/her self in order that any subsequent spiritual growth is sincere, genuine and motivated only for the sake of Allah.³⁶²

Here, 'Alī b. Abī Ṭālib gives us an insight into how should we feel when we attempt to control our self. He says our "inner side is (submerged in) grief and the outer side is covered with fear." This means that our inner self constantly feels sad about our ill-behaviour and negligence. This spurs us to continually improve ourselves and reduce our innate passions. At the same time, we must be covered with fear – fear as to what kind of action we will perform next. In Arabic, "'Alī b. Abī Ṭālib uses the verb '*tajalbaba*', meaning to clothe, which has some beautiful literary implications. When our inner side feels grief we are contemplating on our past actions but when we cover ourselves with fear, we are protecting ourselves from our future actions. This has some connotations with the noun, '*jilbāb*', which is actually a loose garment that women use to cover their body from head to toe.³⁶³ We are actually covering our entire being with fear to fully protect ourselves from any base passion which may result. Thus, grief and fear are two

³⁶¹ For example, Kierkegaard states, "but the more his soul stared down into the abyss of dark passions that arose in him, the greater was the power that the anxiety of temptation gained over him, until he himself plunged down into and lost himself in despair." Kierkegaard: *Eighteen Upbuilding Discourses*, p. 96.

³⁶² This kind of thinking can be seen later in Rūmi's poetry where he says: "Here is another of God's rules: 'Begin with yourself.' If you claim to be humble and serve God, do not accept this claim without testing it. When people wash, first they lift some water to their nose and then they taste it. Simply looking at the water is not enough, for water may have the appearance of purity, but its taste and smell will prove if it is infected. Once the test is done, then they wash their faces." Arberry, Arthur John., *Discourses of Rūmi* (Iowa: Omphaloskepsis, 2000), p. 339.

³⁶³ Ibn Manẓūr states, "the *jilbāb* is the outergarment, mantle, or cloak. It is derived from the word *tajalbaba*, which means to clothe. *Jilbab* is the outer sheet or covering which a woman wraps around her on top of her garments to cover herself from head to toe. It hides her body completely." Ibn Manẓūr, Abū al-Faḍl Jamāl al-Dīn Muḥammad. *Lisān al-'Arab*. 15 vols, 3rd ed. (Beirut, Lebanon: Dar Sadir, 1994), vol. 7, p. 273.

important traits to have in order to develop morally and spiritually since they reduce our carnal desires and focus our attention to God.

Kierkegaard's emphasis on the very serious and almost grief-filled introspection on the nature of our selves is similar here: "have you really felt how sad it is that you need so many words to describe your relation to God?"³⁶⁴ Of course, there is always prosperity and victory at the end of Kierkegaard's discourses, which positions the self on a journey of moral success and inner contentment rather than uncertainty:

"He had learned there is distress in life; in cruel misfortunes, he had confessed to himself how weak and powerless a person is in his own strength. Yet did not give up courage...whether he achieved anything thereby...still he did not know because a great darkness had spread around him and it was like a continual night. Yet he exerted himself to the utmost strength. See! Then the sun of prosperity rose again, illuminated everything, explained everything..."³⁶⁵

The human being that struggles through distresses in life is able to understand why these distresses happened and moreover, enters into a period of prosperity which illuminates him and everything around him. It is striking that again we find a similar tone of prosperity as well as the imagery of the sun in sermon 87 of 'Alī b. Abī Ṭālib. What results when we balance our self through grief and fear is "the lamp of guidance" which "burns in [our] heart." Because we have controlled ourselves in this manner, we allow the guidance of God to enter into our hearts providing us with wisdom and inner contentment. As our passions are fleeting and worldly, the satisfaction and guidance that we obtained from them was false. The real guidance can only come from God and this is portrayed by the beautiful metaphor (*majāz*) of the '*misbah*' (lamp) in our hearts which illuminates us like "brightness of the sun."

This concept of God as a light entering our hearts is effectively explained by Allāmah Tabatabāī who express,

"Since a human being is selfish and egocentric by nature; he loves him-self and sacrifices everything for the love of his own soul, and does not avoid destroying anything for his own survival. Struggle against self-centeredness and elimination of this

³⁶⁴ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 44.

³⁶⁵ Ibid: p. 92.

natural instinct is the most difficult of all difficult tasks. Unless this passion is totally eliminated and this instinct killed, the light of God will not manifest itself in one's heart. In other words, so long as the traveller does not free himself of himself, he will not join God.”³⁶⁶

According to Tabatabāī, it is precisely our own self that we must be fearful of which has the ability to be egocentric thus corrupting our natural moral instincts. Hence, using grief and fear as ways in which to improve ourselves are techniques which any person can apply. Grief and fear do not mean depression but rather a contemplative outlook on life which leads to true, everlasting love, which is God Himself. Here, the self does not lose its identity but rather reflects Godly attributes thereby reducing or removing its own pride and immorality.

4.4 ‘Alī b. Abī Ṭālib’s View of Developing Appropriate Traits for Moral Development

‘Alī b. Abī Ṭālib’s tone changes from the mystical to the practical when in sermon 176 he states:

“Action! action! Then (look at) the end; the end, and (remain) steadfast; steadfast. Thereafter (exercise) patience, patience, and righteousness, righteousness. You have an objective. Proceed towards your objective. You have a sign. Take guidance from your sign. Islām has an objective. Proceed towards its objective. Proceed towards Allah's by fulfilling His rights which He has enjoined upon you. He has clearly stated His demands for you. I am a witness for you and shall plead excuses on your behalf on the Day of Judgement.”³⁶⁷

These words directly echo Kierkegaard’s discourses on patience. The repetition of “action” (*amal*) in the context of “righteousness” (*wara’un*) is emphatic and shows just how much “‘Alī b. Abī Ṭālib intends to translate an individual’s intentions to practical moral actions. In fact, these moral actions are “rights” of God which “He has enjoined upon you.” When a person is God-consciousness, he is actually cognisant of fulfilling

³⁶⁶ Tabatabāī, Sayyid Muḥammad Ḥusayn., *Kernel of the Kernel – Concerning the Wayfaring and Spiritual Journey of the People of the Intellect: A Shī‘ī approach to Sufism* – compiled and edited by Sayyid Muḥammad Ḥusayn Ḥusayni Tihrāni (Albany: State University of New York, 2003), p. 35.

³⁶⁷ Ar-Razi: *Nahj al-Balāgha*, volume 2, sermon 176, p. 66.

God's rights towards His creation. This is why the Qur'ān continually emphasises justice (*'adl* and/or *qist*) towards human beings as a matter of obedience to God and respect for all that He has created.³⁶⁸

The fulfilment of justice requires "patience" (*sabr*) and so cultivating moral growth in oneself is an arduous journey – a reoccurring theme in Kierkegaard's discourses. There needs to be constant attention towards one's intentions in order to avoid conceit and hypocrisy, the strength to translate one's inner will to practical moral actions and the continual acknowledgement of God's presence in one's life. When there is laziness in attitude in any of these things and one allows desires to overcome his/her self, there is a greater chance that he/she will commit injustice. It is here that 'Alī b. Abī Ṭālib lends more weight to the concept of justice which appears to be the unifying force for the self to develop morally. Towards the end of sermon 176, 'Alī b. Abī Ṭālib explicitly states:

"Know that injustice is of three kinds - one, the injustice that will not be forgiven, another, that will not be left unquestioned, and another that will be forgiven without being questioned. The injustice that will not be forgiven is duality of Allah. Allah has said: *Verily Allah forgiveth not that (anything) be associated with Him ...*³⁶⁹ The injustice that will be forgiven is the injustice a man does to himself by committing small sins; and the injustice that will not be left unquestioned is the injustice of men against other men. The retribution in such a case is severe."³⁷⁰

The first kind of injustice is a spiritual and theological kind – associating another being with God. Here, transcendence is made very specific in Islām. God is One and this is the doctrine of *tawḥīd*, which all Muslims subscribe to as part of their faith. Although Kierkegaard does not wish to reduce the status of the "Father of lights" in any way, he is certainly less theologically explicit in calling someone that associates duality with God as an injustice. The second type of injustice that will be forgiven is committing small

³⁶⁸ For example, the Qur'ān states, "O you who have faith! Be maintainers of justice and witnesses for the sake of Allah, even if it should be against yourselves or [your] parents and near relatives, and whether it be [someone] rich or poor, for Allah has a greater right over them. So do not follow [your] desires, lest you should be unfair, and if you distort [the testimony] or disregard [it], Allah is indeed well aware of what you do." Qarā'ī: *The Qur'ān*, 4:135. Colin Turner has examined the nature of justice in Islam with particular reference to *'adl* and *qist* in his article, 'Bediuzzaman and the Concept of 'Adl: Towards a Nursian Ontology of Divine Justice'. *Asian Journal of Social Science* 38, 4 (2010), pp. 554-582.

³⁶⁹ Qarā'ī: *The Qur'ān*, 4:48, 116.

³⁷⁰ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 176, p. 664.

sins. Here, *tawbah* (repentance) is key to remove these sins because *tawbah* literally means to ‘return.’ It is the act of leaving what God has prohibited and returning to what He has commanded.³⁷¹ However, the third kind of injustice is the injustice done towards other men. This will be examined and will carry a punishment. Mischief, corruption and suffering – themes analysed in the discourses, are not only prohibited but incite God’s anger. God does not love such people and states, “fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loveth not transgressors.”³⁷² Whilst of course God is always gracious (*raḥmān*) and compassionate (*raḥīm*), types of injustice which hurt others and for which the perpetrator does not ask forgiveness for will not be left unquestioned.

Arguably, this is the most difficult part of achieving moral growth in Islām because the implementation of earthly justice is meant to be a reflection of God’s justice. Even Kierkegaard admits the distance between the two, “human justice is very prolix, and yet at times quite mediocre, divine justice is more concise and needs no information from the prosecution...”³⁷³ ‘Alī b. Abī Ṭālib, however, intends to bring the two planes closer together and thrusts his own self in implementing Divine justice. He has uniquely said, “I bear witness that He is Justice and He acts justly”³⁷⁴ and repeatedly translated this in his lifetime. He not only used to give advice on how to run a just government to close companions like Malik al-Ashtar³⁷⁵ but reprimanded those like Mu’āwiyah b. Abi Sufyan, the 2nd caliph of the Umayyad dynasty, who flagrantly committed injustice.³⁷⁶

There is a key difference between Kierkegaard and ‘Alī b. Abī Ṭālib here; Kierkegaard was a philosopher not a leader or ruler whereas ‘Alī b. Abī Ṭālib was. This clearly affects their approach and perception of what can be accomplished in society and how moral growth can be cultivated. ‘Alī b. Abī Ṭālib’s position as an Imām and caliph

³⁷¹ The Qur’ān encourages *tawbah*: “...Indeed Allah loves the penitent and He loves those who keep clean.” Qarā’ī: *The Qur’ān*, 2:222.

³⁷² Ibid: 2:190.

³⁷³ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 351.

³⁷⁴ Ar-Razī: *Nahj al-Balāgha*, volume 2, sermon 214, p. 172.

³⁷⁵ Ibid: volume 2, letter 53, p. 432.

³⁷⁶ For example, in a letter he writes to Mu’āwiyah, he boldly says, “O Mu’awiyah! Were you ever entrusted with the noble status of dispensing peace and justice to mankind? Have you the necessary knowledge for the work? Do you really know the canons of equity and justice as laid down by Islām? You and your ways of government! May Allah protect me from and may withhold me from behaving towards mankind the way you have behaved and from tyranny, exploitations and murders that you commit. Take care! You are being madly driven by the lust of wealth, power and vicious indulgence, you are behaving hypocritically against man and Allah. You shall be damned forever.” Ibid: letter 10, p. 272

showed his intention in forming a link between Godly justice and human justice. Quoting Prophet Muḥammad, he said, “O’ son of Adam, do good and evade evil; by doing so you will be treading correctly.” This is perhaps the most explicit link in his sermons between the Qur’ān and two key moral principles of Islām – *amr bil ma’roof* (enjoining that which is befitting) and *nahy anil munkar* (forbidding that which is dishonourable). Here, the Qur’ān is meant to pave the way for a moral society in which human beings stand “firm for justice.” It becomes the foundation for individual, societal and celestial transcendence. Individually, a person can cultivate greater spiritual states by engaging with the Qur’ān and removing his/her immoral desires. When he/she extends this to society and fulfils moral duties based on his/her clean heart, the society becomes a Godly one.

Moral development, therefore, in the eyes of ‘Alī b. Abī Ṭālib is perhaps more multifaceted than Kierkegaard, particularly because of his own position as a ruler. Whilst patience and action are associated with the self, specific spiritual techniques are also discussed to elevate the self towards God. This is similar to Kierkegaard’s approach in his discourses. Yet the mention of justice as an individual and societal trait positions the self in a wider context of implementing rights in society. This makes the individual a vicegerent of God attempting to emulate Godly justice in society. This can only be accomplished when the self has overcome its passions, gained moral stability and is attentive to translating intentions to actions.

5. The Role of the Self in Relation to Suffering

5.1 Kierkegaard’s Understanding of Suffering

Suffering is a theme that ingrains Kierkegaard’s discourses as well as ‘Alī b. Abī Ṭālib’s sermons. More so perhaps for Kierkegaard, this theme drives his notion of upbuilding. The discourses are always about learning from the trials of the prophets, applying their strength to our lives and looking at all tribulations as a gift or opportunity to develop spiritually. The focus in these discourses is suffering *vis a vis* human struggle, existential meaning and spiritual development as opposed to the problem of evil which is related more to the concept of morality itself, why evil exists – particularly in relation to a benevolent God, how theodicies have responded to this question and how evil should affect a religious or non-religious person. In the context of the Discourses, the term

‘suffering’ denotes the human experience of any form of difficulty as opposed to ‘evil’ which has wider connotations signalling intent by both human and Divine forces. Murray has aptly clarified the distinction between the two stating,

“The phrase ‘the problem of evil’ connotes different things to different people. For some it points to the existential problem we face when we confront evil directly—the way it is experienced when we or our loved ones are its victims. Understood this way, the problem of evil is the problem of how we can find hope or meaning when pain and suffering threaten to snatch them from us. In these cases, evil is a cause of *despair*. For others ‘the problem of evil’ constitutes evidence that the universe is not a place created and providentially tended by an omnipotent and morally perfect father.”³⁷⁷

It is precisely how to find hope and cope with pain that is the central feature of Kierkegaard’s discourses. Because it is the self that has the ability to react to suffering, it becomes the central preoccupation for Kierkegaard. It is always about our perception and reaction in the face of difficulty. In *The Lord Gave and the Lord Took Away: Blessed be the Name of the Lord*, Kierkegaard states “when a person’s innermost being groans in despair and ‘in bitterness of soul’ cries to heaven, then Job still walks along at the generation’s side and guarantees that there is a victory...”³⁷⁸ He is courageous here – he gets to the heart of what the self experiences – despair and bitterness. These are harrowing for us to read because he truly presents the self in the most naked way possible – as if Kierkegaard himself is showing his own experiences and how he has engaged in the very upbuilding he wants us to attempt. The most immediate task for the self is confronting suffering. It is to admit that we do feel this bitterness which seems insurmountable and makes us lament and cause confusion to our lives.³⁷⁹ Kierkegaard wants us to clarify this confusion by understanding suffering.

In order to do this, the prophets of God take a primary position within his discourses such as Job in *The Lord gave and the Lord took away: Blessed be the name of the Lord* and John in *He must Increase; I must Decrease*. He also uses the example of Paul, the

³⁷⁷ Murray, Michael J. *Nature Red in Tooth & Claw: Theism and the Problem of Animal Suffering*. Oxford: Oxford University Press, 2008), p. 10.

³⁷⁸ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 111.

³⁷⁹ Kierkegaard vividly describes the emotions associated with suffering stating, “therefore when a person laments that there is no comfort for him, that his suffering is immeasurable, it is because he does not comprehend deeply enough the terror and the distress and because he still prefers to let everything be confused...” Ibid: p. 332.

Christian missionary, in *The Thorn in the Flesh*. For example, our sufferings are little or nothing in comparison to the Apostle Paul, “so then list your sufferings...you no doubt will find the apostle tried in them”³⁸⁰ And in quoting Job, Kierkegaard states, “Job said; ‘naked I came from my mother’s womb, and naked shall I return; the Lord gave, and the Lord took away; blessed be the name of the Lord.’”³⁸¹ Job becomes the paradigm of someone that was given abundant blessings but soon this was taken away from him. This immediately allows us to relate our life experiences to someone that has gone through them. Yet it is not just the experience that is important for Kierkegaard; it is how we react when we experience distress that is more significant. This is why he analyses Job’s words separately. When Job said, “The Lord gave”³⁸², it was his acknowledgement that he didn’t have anything before. Then “his heart first expanded in thankfulness”³⁸³ and “now he recalled everything the Lord had given...”³⁸⁴. Job “recalled his prosperity; his eye rested again upon the rich pastures and followed the abundant herds.”³⁸⁵

The thankfulness that Job shows is appreciation for the suffering which enables Job to realise the will of God. Suffering becomes the enabling factor to fully submit to God in all circumstances and understand the bounties He bestows upon human beings. When Job recalls his former prosperity, it was a prosperity he did not understand. This was because he did not suffer. Kierkegaard argues, suffering “scares him out of a sense of security drunk with callousness and damnation.”³⁸⁶ Suffering is a necessity to reorient the self towards God again and in fact, it is a kind of protection. Kierkegaard states that sometimes when you experience tribulation, you are convinced it’s an external force such as people or the nature of one’s circumstances.³⁸⁷ Rather, the best way to understand suffering is to trace it back to God – as Job did: “Job traced everything back to God; he did not detain his soul and quench his spirit with deliberations or explanations that only feed and foster doubt, even though the person suspended in them does not even notice that.”³⁸⁸

³⁸⁰ Ibid.

³⁸¹ Ibid: p. 109.

³⁸² Ibid: p. 115.

³⁸³ Ibid.

³⁸⁴ Ibid: p. 116.

³⁸⁵ Ibid.

³⁸⁶ Ibid: p. 111.

³⁸⁷ Kierkegaard argues when we do not acknowledge God during suffering, the soul is revolting against Him: “his soul revolted against people; he thought that he was doing justice to God by not upbraiding him for it”, Ibid: p. 119-20.

³⁸⁸ Ibid: p. 121.

Thus, when we suffer, it is easy to vent our angst to people or blame them for our misfortune but once we realise the beauty of suffering in testing us in order to become Godly, we should submit to the Lord and nurture our soul.³⁸⁹ We should not think about what we lost or could have gained – this is only a limited perception that we exhibit. In fact Kierkegaard argues that if a person, “had never known happiness, then the pain would not have overwhelmed him, for what is pain but an idea that the person who knows nothing else does not have but now it is precisely joy that has educated and developed him to perceive pain.”³⁹⁰ Suffering therefore is based on our perception of pain and correlates directly to the level of happiness we experience in life. If we become too comfortable in our happiness, we find pain very difficult to accept and understand yet Kierkegaard is emphasising that we should remain balanced about our perception of happiness and pain. Failing to do this would ruin a person’s soul; Kierkegaard boldly express that “joy became his own ruin...what his soul delighted in, it now thirsted for and ingratitude punished him by picturing it to him as more delightful than it had ever been.”³⁹¹ For Kierkegaard, therefore, suffering is a matter of insight in which one’s self is affected only by its own limitations in understanding the nature of pain.

5.2 The Role of Satan in Causing Suffering for the Self in Kierkegaard’s Discourses

Finally, Kierkegaard widens the concept existential pain when he looks at the role of Satan in misguiding human beings. In *The Thorn in the Flesh*, Kierkegaard singles out Satan’s suggestions and negative influence as the worst suffering:

“It is hard enough for a person to experience the faithlessness of men but to experience that there is a change in God, a shadow of variation, that there is an angle of Satan that has the power to tear a person out of this beatitude.”³⁹²

Satan truly has the ability to stop a person praising God and puts one’s life into turmoil.³⁹³ This is starkly illustrated by his usage of the Apostle Paul, “when he kicked

³⁸⁹ Kierkegaard explicitly expresses how important this submission is: “submit to the Lord in silence and humility in this way is indeed also deserving of praise and emulation, and such a person would also save his soul in the struggle even if he lost all joy.” Ibid: p. 115.

³⁹⁰ Ibid: p. 117.

³⁹¹ Ibid.

³⁹² Ibid: p. 337.

against the goads with all his might, wounded him for the rest of his life with a recollection that festers in the flesh like a thorn, which like an angel of Satan silences him.”³⁹⁴ Paul is at the centrepiece of this discourse; the conflict he experiences in his self is used to show the impact of Satan in causing internal suffering which weakens the inner being. The only way to overcome Satan is to realise that Satan is actually beneficial for us:

“But Paul knew that I was an angel of Satan...he does not turn aside but he knew that it was beneficial for him that it happened and therefore also knew that this angel of Satan was nevertheless an emissary of God. Is this not a marvel – to change an angel of Satan into an emissary of God – would not Satan himself grow weary!”³⁹⁵

Satan allows us to see what we have to overcome, the darkness in our souls and gives us the opportunity to strengthen our selves. This is encapsulated when Kierkegaard states, “a person learns to know himself only with much difficulty.”³⁹⁶ Therefore, we again see that self-knowledge is precipitated by suffering which connects the three themes analysed in this chapter – the self in relation to God, self-knowledge and moral development and suffering. The interplay here makes suffering a core part of the journey of self-transformation and allows us to see the practical circumstances in which the self can descend into an abyss or emerge victorious, dignified and Godly.

5.3 ‘Alī b. Abī Ṭālib’s Conception of Suffering

‘Alī b. Abī Ṭālib demonstrates his understanding of suffering more by what he experienced as a leader and saintly individual rather than engaging in a philosophical exposition of the concept. This is a clear divergence between Eighteen Upbuilding Discourses and Nahj al-Balāgha because where previously ‘Alī b. Abī Ṭālib deliberated on the nature of the self in relation to God, self-knowledge and moral development (thus showing the similarity between the two texts), he takes a different line in actually showing his own trials and difficulties. This allows us to see ‘Alī b. Abī Ṭālib’s own self

³⁹³ For further information on the concept of Satan in the Christian tradition, see: Russell, Jeffrey Burton., *Satan: The Early Christian Tradition* (New York: Cornell University Press, 1987)

³⁹⁴ Ibid: p. 340.

³⁹⁵ Ibid: p. 342.

³⁹⁶ Ibid: p. 345.

in an arena of existential and practical conflict, rather than viewing the self in a hypothetical situation.

In sermon 37, ‘Alī b. Abī Ṭālib exclaims, “I discharged duties when others lost courage (to do so) and I came forward when others hid themselves. I spoke when others remained silent.”³⁹⁷ He again reiterates in sermon 39, “I am faced with men who do not obey when I order and do not respond when I call them. May you have no father! (Woe to you!) What are you waiting for to rise for the cause of Allah? Does not faith join you together or sense of shame rouse you?”³⁹⁸ The background to these sermons are that when ‘Alī b. Abī Ṭālib was fighting Mu’āwiyah, people abandoned his side or did not stand firm on the principles of justice. By being resolute, he is showing the confidence one needs to have when there is faithlessness and lack of support around someone. As I have argued, Kierkegaard also states that this is a type of distress, something which the prophets of God went through. However, those who have strong faith in God such as Paul continued to remain steadfast and Kierkegaard emphatically underscores this point: “was he a weak man, then? No, he was powerful. Was he wavering? No, he was steadfast; he mightily strengthened by God’s spirit in his inner being.”³⁹⁹ It could be argued that because ‘Alī b. Abī Ṭālib is regarded as a saint in the Islamic tradition by Shī‘as, Sunnis and Sufis, what we are witnessing is the first-hand account of dealing with suffering. We may extract that courage is required in the face of suffering and always being cognisant of God’s will, rather than one’s own. These are themes which Kierkegaard discusses in *Against Cowardliness* and so there is a similarity in the kind of traits which the self requires in order to overcome suffering.

There is also the acknowledgement that all suffering is traced back to God and so what the self perceives as originating from human circumstances is in reality stemming from God’s will. In sermon 47, when ‘Alī b. Abī Ṭālib is discussing the calamities affecting the Kufan society, he states, “O’ Kufah as though I see you being drawn like the tanned leather of ‘Ukazi in the market you are being scraped by calamities and being ridden by severe troubles. I certainly know that if any tyrant intends evil for you Allah will afflict him with worry and fling him with a killer (set someone on him to kill him).”⁴⁰⁰ Here, there is emphasis on realising the nature of suffering, akin to Kierkegaard who wanted

³⁹⁷ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 37, p. 198.

³⁹⁸ Ibid: sermon 39, p. 200.

³⁹⁹ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 83.

⁴⁰⁰ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 47, p. 216.

individuals to confront the terror around them. ‘Alī b. Abī Ṭālib is informing the people that God Himself watches over the calamities that befall human beings and thus He has a power to set aside these calamities. However, this requires a trust in the kind of circumstances that have been willed for us by Him.⁴⁰¹ Thus, both scholars are bold in their illustrations of suffering showing that the self cannot shy away from distresses – it must confront them.

According to ‘Alī b. Abī Ṭālib, it can confront them by,

“hasten[ing] towards (good) actions and dread[ing] the suddenness of death because the return of age cannot be hoped for as the return of livelihood can be hoped for. Whatever is missed from livelihood today may be hoped tomorrow with increase but whatever is lost from the age yesterday its return cannot be expected today.”⁴⁰²

Good actions and remembrance of death are helpful tools to navigate the self through suffering. The remembrance of death, in particular, is mentioned more in *Nahj al-Balāgha* with sermons devoted exclusively to it.⁴⁰³ Death becomes the passage to God and so when the self focuses on this, it realises that all suffering has a purpose, which is to direct one to the attention of God. Indeed, physical suffering comes to an end with death but if one can master internal suffering, it can arrive at position of contentment in this life and the hereafter with God Himself. Therefore, one should not miss what “cannot be hoped for” – a theme tackled by Kierkegaard. Rather suffering should propel the person to perform “good actions” and use his experience to better his self and others around him.

5.4 The Role Satan in Causing Suffering for the Self in *Nahj al-Balāgha*

There is however a striking similarity between Kierkegaard and ‘Alī b. Abī Ṭālib as to what is the worst type of suffering. ‘Alī b. Abī Ṭālib also devotes a lengthy discussion to Satan as the most negative influence on a human being. In sermon 192, he states,

⁴⁰¹ In sermon 114, ‘Alī b. Abī Ṭālib underscores this point of confronting distress and in fact, regards suffering as a fact of life that needs to be embraced and learnt from. He states, “then this world is a place of destruction tribulations changes and lessons. As for destruction the time has its bow pressed (to readiness) and its dart does not go amiss its wound does not heal; it afflicts the living with death the healthy with ailment and the safe with distress.” Ibid: sermon 114, p. 436.

⁴⁰² Ibid: p. 438.

⁴⁰³ For example, see sermons 20, 83, 109, 112, 132, 230, 237.

“You should take a lesson from what Allah did with Satan; namely He nullified his great acts and extensive efforts on account of the vanity of one moment although Satan had worshipped Allah for six thousand years - whether by the reckoning of this world or of the next world is not known. Who now can remain safe from Allah after Satan by committing a similar disobedience? None at all.”⁴⁰⁴

Satan is the enemy of the self, the one who incites the self to disobey God in vanity. He creates suffering for the individual because there is no contentment when “Satan infects you with his disease or leads you astray through his call...”⁴⁰⁵ The self becomes ill by a spiritual disease which encapsulates the soul. This echoes the “dark abyss” of Kierkegaard and is the lowest point of the self. ‘Alī b. Abī Ṭālib is equally graphic, if not more so, in his description of this abyss:

“then they pushed you into the hollows of disgrace threw you into the whirlpools of slaughter and trampled you wounding you by striking your eyes with spears cutting your throats tearing your nostrils breaking your limbs and taking you in ropes of control towards the fire already prepared.”⁴⁰⁶

The bold language is there to jolt the reader to reflect on the nature of his/her being and how much it is influenced by Satan. Here, ‘Alī b. Abī Ṭālib also echoes the three categories or states of self in the Qur’ān – “for the [carnal] soul indeed prompts [men] to evil”⁴⁰⁷ (*inna nafs la-ammāratun bi al-sū*), “And I swear by the self-blaming soul”⁴⁰⁸ (*al-nafs al-lawwāmah*) and “O soul, at peace!” (*al-nafs al-mutma’innah*).⁴⁰⁹ This shows the fragile nature of the self as an entity capable of being incited but equally has the ability to be contended.

This internal suffering, however, can be overcome by the trait of humility – the same tool that Kierkegaard used in *He must Increase; I must Decrease*. ‘Alī b. Abī Ṭālib emphasises this key trait as a weapon against Satan: “make up your mind to have

⁴⁰⁴ Ar-Razi: *Nahj al-Balāgha*, volume 2, sermon 192, p. 52.

⁴⁰⁵ Ibid: p. 56.

⁴⁰⁶ Ibid.

⁴⁰⁷ Qarā’ī: *The Qur’ān*, 12:53.

⁴⁰⁸ Ibid: 75:2.

⁴⁰⁹ Ibid: 89:27.

humility over your heads to trample self-pride under your feet and to cast off vanity from your necks. Adopt humility as the weapon between you and your enemy Satan and his forces.”⁴¹⁰ Humility removes pride, ego and vanity from one’s self and all of these are the root of moral regression and disobedience towards God. It is interesting that within the moral discourse of *Nahj al-Balāgha* and Eighteen Upbuilding Discourses, virtually similar techniques are used to overcome suffering and one’s own passions. This not only universalises both texts within a wider conception of morality but substantiates that discussions on the self do not have to be restricted to religion alone. Moreover, one could use Hick’s term of “soul-making”⁴¹¹ to describe both of their approaches to suffering.

5.5 Does Satan Confer Benefit on Human Beings?

There is a final difference between ‘Alī b. Abī Ṭālib and Kierkegaard in elaborating on the benefit of Satan to human beings. ‘Alī b. Abī Ṭālib does not explicitly say that Satan is a benefit to humankind by making human beings aware of their darker self. Kierkegaard philosophises about Satan; ‘Alī b. Abī Ṭālib is more theological about him – he is an evil that must be overcome through moral strength. Later Shī‘ī philosophers, however, have philosophised on the role of Satan and have come up with a virtually identical view as Kierkegaard. Mulla Ṣadra argued that *prima facie*, Satan’s existence and his whispers (*waswās*) may appear to be a great suffering on humankind. However, in chapter nine of his book, *Iksir al-‘Ārifīn* (The Elixir of the Gnostics), he argues Satan, who is created by God, confers a benefit towards human beings:

“Just as man benefits from the angel’s inspiration, so also he benefits from satan’s disquietening in a certain respect, for the latter’s existence inevitable comes from God

⁴¹⁰ Ar-Razi: *Nahj al-Balāgha*, volume 2, sermon 192, p. 58.

⁴¹¹ The late John Hick has famously argued, “the value-judgment that is implicitly being invoked here is that one who has attained to goodness by meeting and eventually mastering temptations, and thus by rightly making responsible choices in concrete situations, is good in a richer and more valuable sense than would be one created *ab initio* in a state either of innocence or of virtue...I suggest, then, that it is an ethically reasonable judgment...that human goodness slowly built up through personal histories of moral effort has a value in the eyes of the Creator which justifies even the long travail of the soul-making process.” Hick, John., *Evil and the God of Love*, revised ed (New York: Harper & Row, 1977), pp. 255 – 6.

for the sake of a wisdom and an advantage. Otherwise, he would not exist, since futility and ineffectuality are absurd for Him.”⁴¹²

Basing his reasoning on God always having a wise purpose for everything He does, Mulla Ṣadra explains that the wisdom and advantage for human beings are that if it were not for the followers of Satan (who are all followers of sense-intuition and imagination) and their false gods, “God’s friends would not have been sent out to verify the realities, teach the sciences and seek demonstrations so as to clarify tawḥīd...”⁴¹³ This means human beings are blessed to have Prophets who come and teach them the meaning of God and goodness. This point is made more explicit by the common interactions we have with fellow human beings and the suffering that results from these interactions. He says:

“So also is the case with character traits and deeds, for example. Were it not for the backbiting of the backbiters and the prying of those who pry into people’s faults, no one would totally shun the hidden faults that his loved ones do not see...how many an enemy there is, foul in essence, from who enmity man benefits more than from the love of his sincere friend!”⁴¹⁴

There is an important implication here. Were it not for the suffering endured by the one who is backbitten against, there would be no one to make him aware of his faults, which often his nearest and dearest may miss or not point out. Hence, suffering has a direct connection with removing faults from one’s self and replacing them with good traits. Though one may perceive someone to be an enemy of his, the enemy is actually more beneficial than his/her sincere friend since he/she can learn more about himself/herself through not only how the enemy behaves (which may be ungodly and so one does not wish to be like him) but also what the enemy may point out in you.

Therefore, whilst in later Shī‘ī philosophical tradition there is correlation with the views of Kierkegaard on Satan and the suffering he causes an individual, this correlation is not clear from ‘Alī b. Abī Ṭālib’s own sermons. Regardless, the issue of suffering presents some similarities and differences between the two scholars in the way they position the

⁴¹² Ṣadra: *Elixir of the Gnostics*, p. 49.

⁴¹³ Ibid.

⁴¹⁴ Ibid.

self. Kierkegaard makes the self the arena for internal existential conflict whereas ‘Alī b. Abī Ṭālib makes himself the very arena for this conflict through sharing his own experiences of difficulty. Yet both agree that the self must confront suffering in all its ugliness and it is only through this courage that one is able to overcome it by trusting God. Just as patience and resolution are key traits within Kierkegaard’s discourses to bear suffering, humility becomes an important trait in accepting difficult affairs in life. This is particularly in relation to Satan who gives the worst type of suffering to human beings because he causes internal despair and confusion within the self. According to Kierkegaard, Satan is a benefit to humankind but this is not mentioned in ‘Alī b. Abī Ṭālib’s sermons.

6. Conclusion

This chapter has sought to compare the definition and nature of the self in accordance with Kierkegaard’s Eighteen Upbuilding Discourses and ‘Alī b. Abī Ṭālib’s sermons in *Nahj al-Balāgha*. Starting from a broad position of looking at the overall works of both authors, the definition of the self as an entity capable of transformation and as representing the very I-ness of an individual is a point that is virtually the same in their works. What is central to their definition is that the self is a worthy entity that requires personal cultivation. When it is not cultivated i.e not reflected upon through self-knowledge, it causes a human being to be humiliated and feel empty. This void can only be fulfilled by being attentive to God’s will, the contentment moral traits provide and removing one’s vanity. Whilst these definitions signal their similarities and give us a foundational meaning of the self, it does not immediately position in the self in real human circumstances where there is conflict, happiness, struggle and loneliness.

This is the beauty of both Eighteen Upbuilding Discourses and *Nahj al-Balāgha* because they focus on the self not just as a metaphysical entity but as relating to the individual’s actions and emotions in a range of personal and public situations. Whilst of course all of these relate back to the self, it allows us to see the self in a wider mode of operation – as an entity that is capable of being reflected upon by the layman. Kierkegaard constantly wants the listener to engage in ‘upbuilding’ and ‘Alī b. Abī Ṭālib warns against worldly allurements and the need for human beings to be attentive to their own selves. This is crucial for my thesis because I am aiming to position the self in the wider context of the Islamic-Western human rights discourse. The right to uphold or take life, respect

someone's property, the freedom to speak and choose a religion – all of these rights express the positive or negative yearnings rooted in the self. This is why Kierkegaard talks of the "law from within" which must be respected first before the outer law. 'Alī b. Abī Ṭālib also changes the tone in his sermons from a discourse which initially positions the self as an entity requiring reflection and cultivation to an entity directly involved in the implementation of justice in society.

It is here that Eighteen Upbuilding Discourses and Nahj al-Balāgha position the self in relation to three interconnected themes: the self in relation to God, self-knowledge and moral development and suffering. The self has a role to develop faith in God and encourage others to do so, to continually reflect on what it is, to develop traits such as patience, humility and courage and to strengthen itself in the face of adversity. The need to acquire these traits for the self are illustrated in diverse practical scenarios by both authors which shows their pragmatism and concern for the development of society as a whole. Whilst Kierkegaard is appealing to the individual to engage in upbuilding, the context of his discourses relate to his perception of the behaviour of his society in his own time – from Churchgoers and preachers to shopkeepers and businessmen. Equally, 'Alī b. Abī Ṭālib addresses his own society; after all, he is preaching to them in the form of sermons and mentions the difficulties the society was going through. These ranged from corruption in the government, love of wealth, civil war, leadership and differing interpretations of religion. In virtually all of his sermons, he begins by praising God and compels the listener to reflect on his own relationship with God. Kierkegaard begins with a prayer, setting the tone for an individual to supplicate to God or at the least, reflection on the nature of his life.

The uniqueness of both works in bridging the moral and spiritual dimensions of the self with its practical application gives me a firm foundation in which to move the discourse on the self within the scope of human rights. If the self is the root of the implementation of a human being's right to himself, others and towards God, then it must figure prominently within human rights theories. Otherwise, human rights theories are not focusing on the driving force behind the very rights which it aims to uphold. I will now proceed to comparatively analyse Kant's *Metaphysics of Morals* and Zayn al-ʿĀbidīn's *Risālat al-Ḥuqūq* which give a practical framework to the self. Whilst 'Alī b. Abī Ṭālib and Kierkegaard looked at the self from its metaphysical and spiritual core in the context of our everyday conflicts, they did not give a cohesive practical ethical-legal framework

in which one can easily apply duties or rights towards one's self. This is the domain of Kant and Zayn al-‘Ābidīn who exclusively focus on the kinds of rights associated with the self and how they can be implemented in society. Thus, I am moving from a moral and spiritual discourse to one that is distinctly practical in order to create an opening in which the self can be effectively sieved within the Islamic-Western human rights discourse.

Chapter 3

Comparing Kant's and Zayn al-ʿĀbidīn's Framework to the Self in the Metaphysics of Morals and Risālat al-Ḥuqūq

The focus of this chapter is to compare the framework given to the self in the *Metaphysics of Morals* and *Risālat al-Ḥuqūq*. The previous chapter dealt with Kierkegaard's and 'Alī b. Abī Ṭālib's notion of the self in *Eighteen Upbuilding Discourses* and *Nahj al-Balāgha*. Their analysis combined spirituality and scripture along with an approach of positioning the self in worldly moral dilemmas. However, they did not give a framework of how to access the self and attach rights to it. This chapter looks at Kant and Zayn al-ʿĀbidīn who have attempted to give a pragmatic framework to the self that operates within a legal and practical ethical dimension. Both authors do this by deliberating on the concept of 'duties to oneself' and 'rights to the self' respectively which enables individual to form duties towards their 'selves.' This fusion of ethics, law and philosophy is crucial to my thesis as it begins to answer my central question: is it possible to give a practical framework of the self that is identifiable by the average human being and is capable of being transposed into the Islamic-Western human rights discourse?

The grounds for comparison are striking in that despite the difference in religious backgrounds of the authors as well as time periods, they deliberate on a notion in which rights are owed to the self, not just other human beings. This already shifts the discussion of the human rights discourse from a social contract worldview to a new sphere in which the self becomes the starting point of any law. Although the notion of God is present in both works, the authors approach to God and theology is distinctly different thus allowing a useful comparison to take place between the worldviews of Islām and Christianity but also within philosophy generally as very few, if any, have compared Kant to the works of the Twelve Shīʿī Imāms.⁴¹⁵

The goal of this chapter is to highlight similarities and differences in the authors' approaches to the self, how they give a framework to it, their notion of duties and rights to the self and how they eventually branch out rights to others. Secondly, this

⁴¹⁵ See footnote 33.

comparison will help me construct my own framework for the self in order to tackle the limitations of the conception of human rights in both the Islamic and Western worldviews, as outlined in chapter one. I will begin by exploring the basic foundations of Kant and Zayn al-‘Ābidīn in the *Metaphysics of Morals* and *Risālat al-Ḥuqūq* in the way they approach the self and God. Then I will tackle the crucial concept of duties to oneself and rights to the self respectively in both works, which constitutes the authors’ main method in giving a practical legal-ethical framework to the self. The last part of the chapter will examine how the authors apply their concept of duties to oneself and rights to the self in wider society.

5. Laying the Foundations for a Framework to the Self

5.1 Kant’s Understanding of the Role of the Self in Performing Duties

Considering that the notion of the self is central to my thesis, Kant’s and Zayn al-‘Ābidīn’s understanding of how they give a practical ethical-legal framework to the self is an important starting point. In the same vein of the authors, my concern is not what the self is (as I have dealt with this in the previous chapter); rather, in what way can the self manifest itself in society through a set of rational and practical duties? Kant argues that a person’s inner freedom is capable of being subject to laws. By inner freedom, Kant does not mean the soul but rather, “the vital principle of man in the free use of his powers since the basis of great crimes is merely the force of inclinations that weaken reason.”⁴¹⁶ Here the self is seen as a tool in the overall framework of performing duties and adhering to ends: “an end is an object of free choice, the representation of which determines it to an action (by which the object is brought about). Every action, therefore, has its end.”⁴¹⁷ If the self is weak or incapable in making a reasoned choice that values the dignity of itself and others, then not only does it devalue humanity but it is incapable of performing external laws as well. It is here that Kant makes a separation between the Doctrine of Right, which “only dealt with the formal condition of outer freedom”⁴¹⁸ (such as public and private rights) and the Doctrine of Virtue which deals with the condition of inner freedom i.e the powers of a human being which cannot be governed by external laws but only internal law-giving through self-constraint.

⁴¹⁶ Kant: *The Metaphysics of Morals*, p. 189.

⁴¹⁷ Ibid: p. 189.

⁴¹⁸ Ibid: p. 186.

However, can we constrain ourselves? Isn't a contradiction to say 'I am bound?' How can the self simultaneously impose obligation but also be put under obligation? Kant's solution is to distinguish man as a sensible being and intelligible being. The intelligible being contains inner lawgiving will with the ability to reason. The sensible being is that part of man which contains senses and animalism. When we say that we have internal laws which govern us or the self imposes obligations on us through conscience, "the internal court of a man"⁴¹⁹, it is actually the intelligible part of us that is commanding the sensible being through reason since the sensible being has no capability of doing so. Here, Kant avoids the distinction between the soul and body arguing that,

"the subject that is bound, as well as the subject that binds, is always man only; and though we may, in a theoretical respect, distinguish soul and body from each other, as natural attributes of man, we may not think of them as different substances putting him under obligation, so as to justify a division to the body and duties to the soul. Neither experience nor inferences of reason give us adequate grounds for deciding whether man has a soul...and even if the first alternative be true, it is still inconceivable that man should have a duty to a body (as a subject imposing obligation), even to a human body."⁴²⁰

From this statement, it is clear in the *Metaphysics of Morals* that Kant does not like to mix spirituality, theology and revelation with philosophy. He believes that it is beyond philosophy to talk about the soul and its relationship to God (but does make references to God towards the end of the *Metaphysics of Morals*, which I will illustrate).⁴²¹ As I shall argue, this stands in contrast to *Risālat al-Ḥuqūq* in which God, His relationship to human beings and specifically the self, is mentioned overtly and fused with legal and social rights. Moreover, in *Risālat al-Ḥuqūq*, Zayn al-ʿĀbidīn does believe man should have a duty to his body.

What, however, is important from Kant's statement as above is the idea that the self is delineated into a pragmatic form of a human being's intelligence conquering his/her animality. This is why Kant says, "since virtue is based on inner freedom, it contains a

⁴¹⁹ Ibid: p. 233.

⁴²⁰ Ibid: p. 215.

⁴²¹ Kant states in the *Metaphysics of Morals*, "so religion as the doctrine of duties to God lies entirely beyond the bounds of purely philosophic ethics, and this serves to justify the author of the present ethical work for not having followed the usual practice of bringing religion, conceived in that sense, into ethics, in order to make it complete", Ibid: p. 276.

positive command to man, namely to bring all his passions and inclinations under reason's control and so to rule over himself."⁴²² What this does is bring the self out of a purely spiritual, mystical ethos and into the domain of reason. Therefore, the 'I' to which Kant refers is the 'I' of choice, reasoned capacity and will and this makes the subject of duties "man only." These are Kant's initial foundations in giving a framework to the self.

1.2 Kant's Approach to Feelings

It is interesting that whereas the *Groundwork for the Metaphysics of Morals* appeared to remove all types of empiricism from law, the *Metaphysics of Morals* devotes a lengthy section to virtue, feelings and motives. Kant argues the Doctrine of Virtue is more of a preparatory stage to "act as though the maxim of your action were to become, through your will, a universal law of nature."⁴²³ Here, Kant is focusing on purifying the will so that the maxim of one's action can become a universal law of nature and one can consistently act towards it. He is uniting virtue ethics and practical law in the performance of universal duties to human beings. This is why Wood argues that Kant distinguishes four different kinds of feelings. They include,

"*moral feeling* (feelings of approval or disapproval directed at actions), *conscience* (moral feelings direct to oneself, in view of some action performed or contemplated), *love of human beings* (i.e., any form of benevolent caring or concern for the welfare of another as a person who is an end in itself), and finally *respect* (for the dignity of a

⁴²² Ibid: p208. The notion of using reason to control or dominate one's passions has also been a hallmark of the Shī'ī tradition. It has been articulated by 'Alī b. Abī Ṭālib and developed later by Shī'ī philosophers. For example, 'Alī b. Abī Ṭālib has stated, "Beware that sins are like unruly horses on whom their riders have been placed and their reins have been let loose so that they would jump with them in Hell. Beware that piety is like trained horses on whom the riders have been placed with the reins in their hands, so that they would take the riders to Heaven. There is right and wrong and there are followers for each. If wrong dominates, it has (always) in the past been so, and if truth goes down that too has often occurred. It seldom happens that a thing that lags behind comes forward." Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 16, pp. 106 – 108. See also the work of Muḥammad Naraqī, the 18th century Shī'ī philosopher, who in *Jami' al-Sa'dat (The Collector of Felicities)* states, "reason is the guiding angel of man. The power of anger and fierceness in man brings about ferocity and violence in him. His power of desire and passion propels him towards immorality and licentiousness. And the imaginative power in man provides the preliminary material for the formation of demoniac schemes, plots and machinations. Now, if the faculty of reason is put in control of the other faculties, it keeps them in their rightful place and moderates their excesses; they will work for the welfare of man and shall perform useful functions; otherwise, nothing except evil and mischief will come of them." Al-Naraqī, Muḥammad Mahdi b. Dharr, *Jami' al-Sa'dat (The Collector of Felicities)*, Translated by Shahyar Sa'dat (Tehran: Islamic Propagation Organisation 1985), p. 17

⁴²³ Kant: *Groundwork for the Metaphysics of Morals*, p. 24.

person, or for the moral law as the basis of our own rational self-government) (MS 6:399-403). These feelings are the direct and natural acknowledgement of moral reasons.”⁴²⁴

Wood’s analysis shows us that Kant is tapping into the self through these feelings and without cultivating these feelings, no framework that seeks to make society better can succeed. The feelings as above depict the non-rational dimension of a human being and are very much in line with our innate inclinations towards ourselves and other human beings. Our moral feelings manifest themselves instantly when we like or dislike an action, our conscience bites when we do something fundamentally wrong, we have a natural concern and love for others and finally, we demand respect and give respect to those that deserve it. All of these demonstrate Kant’s approach in broadening the concept of the self. Without giving a framework to the self in terms of the kinds of duties it owes to itself, the self remains a senseless entity without any purpose. This is why Kant acutely expresses,

“man has a duty to raise himself from the crude state of his nature, from his animality, more and more toward humanity, by which he alone is capable of setting himself ends; he has a duty to diminish his ignorance by instruction and to correct his errors...man has a duty to carry the cultivation of his will up to the purest virtuous disposition, which the law becomes also the incentive to his actions that conform with duty and he obeys the law from duty. This disposition is inner morally practical perfection.”⁴²⁵

In light of this statement, whilst perfecting the self is important, it always appears to be geared and motivated by the successful outcomes of the categorical imperative which stipulates universal maxims. For Kant, mere incentive to perform laws is subjective, empirical and untrustworthy. The self must cultivate its “capacities (or natural predispositions), the highest of which is understanding, the capacity for concepts and so too for those concepts that have to do with duty.”⁴²⁶ This results in a rational being whose inner freedom is directed to internal and external lawgiving, motivated by duties. This reflects Kant’s initial statement about what a duty of virtue is: “it is the strength of

⁴²⁴ Wood, Allen W., *Kantian Ethics* (Cambridge: Cambridge University Press, 2008), p. 160.

⁴²⁵ Kant: *The Metaphysics of Morals*, pp. 191-2.

⁴²⁶ Ibid: p191.

man's maxims in fulfilling his duty."⁴²⁷ Therefore, if all of the feelings as above are nurtured then man can raise himself from animality towards humanity.

More recently, scholars have reinterpreted Kant's approach to ethics through the aforementioned section on feelings and have argued the *Metaphysics of Morals* must be taken as the leading text to help us understand Kant.⁴²⁸ Baxley argues that the Kantian virtuous person is enjoined by duty to maintain and even cultivate certain emotional states, all of which can result in a virtuous agent who is "at peace with herself, calm and tranquil, and yet always prepared to stand down the potential threat to good conduct that her propensity to evil could pose."⁴²⁹ This presents Kant's philosophy as more sympathetic to human desires. Marshall has gone further in using Kant's approach to feelings to show how this is Kant's subtle way of expressing the self in philosophy. He argues,

"Not many philosophers would turn to Kant for a positive view about the metaphysics of the self (the referent of 'I'). On the contrary, most of Kant's interpreters read him as warning that any attempt to give a positive account of the self's nature is doom to failure, and as building his theories without metaphysics assumptions about the self...I argue that not only is the anti-metaphysical interpretation mistaken, but that Kant offers us a subtle, plausible metaphysical account of the self that has no direct analogue in the contemporary literature."⁴³⁰

Marshall's analysis widens the scope for me to compare Kant with Zayn al-ʿĀbidīn, the latter of whom is very clear in identifying the ontological origin for the self which is God. *Prima facie*, this would have appeared to be a huge difference with Kant's approach to the self but in light of Marshall's argument as well as Kant's inclusion of the feelings associated with the self, it is possible to compare the two figures within both a metaphysical and practical context. Therefore, Zayn al-ʿĀbidīn's explicit connection between the self and God does not necessarily contradict Kant's conception of the self

⁴²⁷ Ibid: p197.

⁴²⁸ Wood argues this point in his essay, 'The Final Form of Kant's Practical Philosophy' in Timmons, Mark (ed.), *Kant's Metaphysics of Morals: Interpretative Essays* (Oxford: Oxford University Press, 2004), p. 1 – 21.

⁴²⁹ Baxley, Anne Margaret., *Kant's Theory of Virtue: The Value of Autocracy* (Cambridge: Cambridge University Press, 2010), p. 81.

⁴³⁰ Marshall, Colin., 'Kant's Metaphysics of the Self', *Philosophers Imprint* 10, 8 (2010), pp. 1 – 21 at p. 1.

which appears to situate God in the background, rather than the foreground of his philosophical deliberations.

1.3 Zayn al-‘Ābidīn’s Approach to the Self in the Implementation of Rights

Kant argued that reason must control the self’s passions and inclinations (such as excessive eating, drinking and lust) and Zayn al-‘Ābidīn argues the same:

“the right of your stomach is that you make it not into a container for that which is unlawful to you and you eat no more than your fill (*shib*). The right of your private part (*farj*) is that you protect it from fornication and guard it against being looked upon.”⁴³¹

The self is central in performing morally correct actions towards one’s self and others. However, whilst Kant argued that we are only talking about man’s animality here (which should be under control of his intelligible part and thus no distinction needs to be made between the soul and body), Zayn al-‘Ābidīn makes an explicit connection between the self and body. Throughout *Risālat al-Ḥuqūq*, continual reference is made to the ‘*nafs*.’ As I have demonstrated in accordance the previous chapter, the self can be defined in terms of a unique level of identity and self-consciousness that gives a being its distinct and dynamic essence when it orients itself towards God. It can be argued that Zayn al-‘Ābidīn continues this line of understanding not only because he is the fourth Shī‘ī Imām (and thus there is a theological consistency in the Twelve Imams’ of their view of the self) but also because he has similar narrations to ‘Alī b. Abī Ṭālib on the self. These narrations depict a similar approach to the self as an entity linked to the spirit, requiring self-knowledge and explicitly connected to God.⁴³²

When Zayn al-‘Ābidīn comments on the relationship between the self and the body, he shows they are explicitly interconnected to each other. This interconnection occurs because according to him, the self owes duties to the body (and its various organs) as well as its actions (such as prayer and fasting). This is not necessarily in contradiction to

⁴³¹ Al-‘Ābidīn: *The Psalms of Islām*, p. 284.

⁴³² *Mizān al-Ḥikmah* (The Scale of Wisdom) includes a useful section on knowledge of the self and knowledge of God which contains numerous narrations from the Twelve Imams. Many of these narrations are virtually identical with each other thus substantiating my point that there is a theological consistency in the Twelve Imams’ beliefs about the self and God. See: Rayshahri: *The Scale of Wisdom*, pp. 706 – 16.

Kant who believes that the self must cultivate itself to perform duties because throughout *Risālat al-Ḥuqūq*, Zayn al-‘Ābidīn believes the self must do exactly the same. Rather, the difference lies in why a human being should perform duties in the first place and the manner in which this takes place. Kant argued that the body can never be a subject which imposes obligations on the self; rather we owe duties to ourselves as animal beings. Zayn al-‘Ābidīn also believes we have duties to our animal being but phrases these duties in terms of the rights bodily organs have upon us. It is always the self which perceives the purpose of our organs. Moreover, Zayn al-‘Ābidīn’s framework for the self in order to implement rights is motivated by the belief in God whilst for Kant, it is motivated by a heightened understanding of the reasoned duty before him/her and the notion of good will; the idea of one who only makes decisions that he/she holds to be morally worthy, taking moral considerations in themselves to be conclusive reasons for guiding his/her behaviour. Therefore, the self becomes crucial for the implementation of rights because according to Zayn al-‘Ābidīn it is an entity in itself that requires both moral and spiritual cultivation.

1.4 Zayn al-‘Ābidīn’s Approach to God and Where our Feelings should be Directed

Zayn al-‘Ābidīn’s approach to giving a framework to the self begins with its fundamental relationship with God. He states: “the right of your self (*nafs*) against you is that you employ it in obeying God.”⁴³³ Although the self gradually begins to operate in the domain of rights to itself and others, Zayn al-‘Ābidīn’s framework is decidedly spiritual and theological. God is the root of the self and has the greatest claim upon an individual:

“God has rights against you and that these encompass you in every movement through which you move, every rest through which you rest, every waystation in which you reside, every limb which you employ, and every instrument which you put to work.”⁴³⁴

Here, God is to be worshipped but also acknowledged as being present within His creation and deeply connected to His creatures’ movements and actions. Hence, whilst Kant saw the self as a tool in the performance of duties and adherence of ends

⁴³³ Al-‘Ābidīn: *The Psalms of Islām*, p. 284.

⁴³⁴ Ibid: p282.

(particularly through moral feeling, conscience, love of human beings and respect), Zayn al-‘Ābidīn argues the self must direct itself to worship God without associating anyone with Him – the doctrine of *tawḥīd* (Oneness of God). This echoes the verse of the Qur’ān which lays the foundation for man’s purpose in life, “I did not create the jinn and the humans except that they may worship Me.”⁴³⁵ There is no epistemological separation between philosophy and revelation as in Kant’s *Metaphysics of Morals*. However, it appears that there is a unifying purpose to Zayn al-‘Ābidīn’s approach. Whilst according to Kant the framework of the self lies in developing concepts, reasoned choice and following duties with a cultivated will, Zayn al-‘Ābidīn’s approach is heteronymous. He wants a human being to cultivate the self not just through reason but through the help of God. This is why he expresses, “therefore happy is he whom God aids in the rights which He has made incumbent upon him and whom He gives success therein and points in the proper direction!”⁴³⁶ The feeling of joy occurs because God aids a person in implementing the rights He has enjoined upon him and so a human being is happy when he/she successfully fulfils God’s rights in society.

Kant reserves God in the domain outside of philosophy though he makes repeated references to God towards the end of the Doctrine of Virtue where a human being is required to develop a pure will through his/her conscience:

“Now, since such a moral being must also have all power (in heaven and on earth) in order to give effect to his laws (as is necessarily required for the office of judge), and since such an omnipotent moral being is called God, conscience must be thought of as the subjective principle of being accountable to God. In fact the latter concept is always contained (even if only in an obscure way) in the moral self-awareness of conscience.”⁴³⁷

Kant’s reference to God is intriguing and has been the subject of much debate.⁴³⁸ It appears that God is an internal notion explicitly linked to one’s conscience. At this level, there is little difference between Kant and Zayn al-‘Ābidīn in their analysis of what the self should appeal to in order to cultivate virtue as God is the ontological root of our conscience. Where the difference rises is the extent by which God is used in

⁴³⁵ Qarā’ī: *The Qur’ān*, 51:56.

⁴³⁶ Al-‘Ābidīn: *The Psalms of Islām* p. 283.

⁴³⁷ Kant: *The Metaphysics of Morals*, p. 234.

⁴³⁸ See footnote 18.

philosophical deliberation and the production of man-made laws. For Zayn al-‘Ābidīn, God is the root of these laws but for Kant, he appears to be a shadow in the background. Indeed, Kant states that “this is not to say that man is entitled, through the Idea to which his conscience unavoidably guides him, to assume that such a Supreme Being actually exists outside himself...”⁴³⁹ Kant argues a human being appeals to an ideal when purifying his self but this does not mean for objective purposes or for one’s personal belief, that this idea has to be God. Again, this shows Kant’s separation of theology and philosophy in looking at the self. For Zayn al-‘Ābidīn, God stands as the foundation and source of all rights thereby creating an origin and *telos* for all rights-based activity. In fact, as the rights to the self are mentioned, along with the rights of actions and then the rights of leaders, subjects, relatives and others, these categories are arguably mere delineations of God’s own rights i.e how God would behave towards human beings. God stands as the figurehead of all rights and the way in which we act towards our self, our actions and those around us become representations of actions of God and ultimately, His expectations. This may explain the gradual expansion of rights from God, the self and actions to numerous categories of people.⁴⁴⁰

It may further be argued that though the goal of fulfilling our duties to ourselves and others is to be performed in a manner of sincerity, valuing the worth of each individual, the individual is considered as God’s creature. It is because he/she is God’s creature that he/she is respected. Dignity derives by virtue that you are created from God and so all creatures deserve the same worth (hence the diverse categories of persons in Risālat al-Ḥuqūq but all accorded the same level of dignity). Thus, God is the end of all human actions but this does not necessarily contradict the idea that human beings are also ends in themselves. This is of course different to the Kantian formulation of dignity which is rooted in human beings or humanity as ends in themselves (though again one may admit that Kant’s writings show an awareness of God as the source of human activity⁴⁴¹).

⁴³⁹ Kant: *The Metaphysics of Morals*, p. 234

⁴⁴⁰ Interestingly, *al-ḥaqq*, meaning the Truth or Reality is also one of the 99 names of God and explicitly shows an ontological connection with God’s conception of rights and the conception a human being must have of these rights.

⁴⁴¹ Though in the doctrine of virtue, reference to God is made as the source, or at least, paradigm of perfect ethical behaviour and law-giving. On commenting on malice, Kant says, ‘He alone (namely God) can say “Vengeance is mine; I will repay.” It is, therefore, a duty of virtue not only to refrain from repaying another’s enmity with hatred out of mere revenge...’ Kant: *The Metaphysics of Morals*, p. 253. Kant also regards conscience to be ‘the subjective principle of being accountable to God.’ Ibid: p. 234.

Therefore, from the perspective of Zayn al-‘Ābidīn, one may argue that a human being’s dignity has an existence beyond himself/herself since a human being may be a destructive member of society (thus reducing his level of humanity and allowing others to accord less of a duty towards him/her) but since God is the source of eternal dignity, a human being’s dignity never diminishes, nor does our duty to him/her. In fact, it is precisely his/her capacity to be Godly or his/her enduring link with God that gives us continual incentive to be ‘most gracious’ (*rahmān*), probably the most important attribute of Allah in the Islamic tradition⁴⁴², which coincidentally Zayn al-‘Ābidīn begins *Risālat al-Ḥuqūq* with.⁴⁴³

2. The Concept of Duties to Oneself and Rights to the Self

2.1 Kant’s Notion of Duties to Oneself

Both authors expand the notion of duties and rights from merely being in the domain of social contract towards one that is based on what the individual owes to his/her self first. Kant uses the heading ‘duties to oneself’ whilst Zayn al-‘Ābidīn talks about the notion of rights to the self. It is striking that despite differences in the religious, geographical and linguistic backgrounds of Kant and Zayn al-‘Ābidīn both authors have come up with a similar concept (though Zayn al-‘Ābidīn’s concept is historically much earlier being expressed in the 7th century). Moreover, both have cited similar duties to oneself such as reducing eating, drinking and lust.

The most important part of Kant’s framework to the self is what he means by ‘duties’ and how this relates to his overall understanding of law. Is it even possible to ascribe duties to the self and think of them within a practical framework? When Kant uses the term ‘oneself’, he is referring to man as the subject and his capacity for reason. However, as I have argued, Kant appears to bring out the ‘self’ through the use of moral feelings and conscience and so it is possible to talk about some kind of non-rational entity or at the least, non-rational dimensions which are connected to the performance of duties. Here, Kant argues in his *Doctrine of Virtue* that when we are talking about duties

⁴⁴² This is substantiated by the key verse of the Qur’ān which begins each chapter and which Muslims are told to recite before any action: *‘bismi-llāhi r-Raḥmānī r-raḥīm* meaning ‘in the name of God, the most Gracious and most Compassionate.’

⁴⁴³ Zayn al-‘Ābidīn begins *Risālat al-Ḥuqūq* by saying, “KNOW - God have mercy (*rahmah*) upon you - that God has rights against you and that these encompass you in every movement through which you move...” Al-‘Ābidīn: *The Psalms of Islām*, p. 282.

to oneself, we are talking about internal laws. These internal laws must be cultivated in order for an individual to achieve qualitative perfection (as opposed to quantitative perfection) which is formal and has degrees. It is formal because it still operates in accordance with maxims. However, “maxims are here regarded as subjective principles which merely qualify for giving of universal law.”⁴⁴⁴ This means when we are thinking about applying duties to oneself, we are talking about an internal process of: a) natural perfection which is the cultivation of any capacity whatever for furthering ends set forth by reason. The capacity to set oneself an end, any end whatsoever, is what characterises humanity, as opposed to animality: “cultivate your powers of mind and body so that they are fit to realise any ends you might encounter.”⁴⁴⁵ And b.) the cultivation of morality in us. This is an incentive, based on the heart; law prescripts on the maxim of the action.

Here, we can ascertain that duties refer to the maxims by which the individual lives and perfects himself/herself by. The duties which arise from these maxims, and are naturally ethical in nature, fall into casuistry. Casuistry is not how to find something but rather a “practice in how to seek truth”⁴⁴⁶ and developing moral judgement. As one’s moral judgement is cultivated, he/she has the strength to perform duties to his/her self. These duties allow for a heightened capacity in the individual to eventually and practically fulfil “the supreme principle of the doctrine of virtue - act in accordance with a maxim of ends that it can be a universal law for everyone to have.”⁴⁴⁷ As such, Kant’s “duties to oneself”, as part of his doctrine of virtue, are synthetic duties in comparison to the duties of the Doctrine of Right which are analytic in nature.

By connecting duties to oneself to the eventual performance of a universal law, Kant is boldly making a link between ethical development and performance of law. This is proven by his lengthy treatment of what constitutes duties to oneself and what it takes to be receptive to these duties. Kant constructs this framework by making a division between “formal” duties to oneself (i.e negative duties belonging to a human being’s moral health) and “material” duties (i.e positive or widening duties related to a human being’s moral prosperity). This division is grounded by two principles. With regards to formal duties, the “first principle of duty to oneself is: live in conformity with nature”

⁴⁴⁴ Kant: *The Metaphysics of Morals*, p. 193.

⁴⁴⁵ Ibid: p. 195.

⁴⁴⁶ Ibid: p. 211.

⁴⁴⁷ Ibid: p. 198.

and the second is “make yourself more perfect than mere nature has made you.”⁴⁴⁸ Though Kant acknowledges that depending on an individual’s state of animality, subjective duties are extracted from this objective division (such as not excessively eating), he is still advocating a framework for duties to oneself which is rooted in enabling the human being to be an end in himself, rather than a “plaything for his vices”.⁴⁴⁹ This will allow for “man’s duty to himself as a moral being [to] only include what is formal in the consistency of the maxims of his will with the dignity of humanity in his person.”⁴⁵⁰ Therefore, Kant’s approach to duties to oneself is based on cultivating one’s will to apply maxims that regard human beings as ends in themselves and these maxims are derived through reason. Kant’s two principles as above provide a formal direction to attain this aim.

2.2 Kant’s Structure of Duties to Oneself

In order for a human being to be an end in himself/herself, Kant initiates a further division of duties to oneself into duties to oneself as an animal being and duties to oneself as a moral being. Both sets of duties focus on the danger of an individual in debasing his/her own humanity thereby reducing his/her moral worth. In order to stop this, Kant cites three articles to protect the humanity in the individual. Article 1 deals with killing oneself. According to Kant, this is a crime, which can also be called murdering oneself. It can also be regarded as a violation of one’s duty to other human beings and even “as a violation of duty to God, as man is abandoning the post assigned to him in the world (without having been called away from it).”⁴⁵¹ Again, Kant makes implicit reference to the Bible⁴⁵² to substantiate his point but it is intriguing that killing oneself is actually annihilating the existence of morality from the world and debasing humanity (which includes the prohibition of maiming oneself or giving away an organ of yours to another). Thus, another connection is made between duties to oneself and the

⁴⁴⁸ Ibid: p. 216.

⁴⁴⁹ Ibid.

⁴⁵⁰ Ibid.

⁴⁵¹ Ibid: p. 218.

⁴⁵² Kant appears to be referring to the concept of stewardship as highlighted in several passages of the Bible. For example: “Moreover, it is required of stewards that they be found trustworthy” (1 Corinthians 4:2) and “You did not choose me, but I chose you and appointed you that you should go and bear fruit and that your fruit should abide, so that whatever you ask the Father in my name, he may give it to you. “(John 15:16). He may also be indicating that death is in accordance with God’s will only: “For if we live, we live to the Lord, and if we die, we die to the Lord. So then, whether we live or whether we die, we are the Lord’s.” (Romans, 14:8). *The Bible – English Standard Version* (Wheaton: Good News Publishers, 2007)

preservation and functioning of morality for all human beings. It is significant that Kant uses scripture when describing personal ethical development but when it comes to the implementation of laws on a universal level, scripture is nowhere to be found. This may imply that Kant considers the role of scripture to be related to personal belief and spiritual growth only. However, it does seem to drive his so-called ‘pure’ or ‘rational’ approach to philosophy in both the *Groundwork for the Metaphysics of Morals* and the *Metaphysics of Morals* because the notion that a human being should value his humanity and be a responsible person considering himself and others as ends has great similarity with the Biblical (and even Qu’ranic) concept of human beings as stewards or vicegerents on earth.⁴⁵³

Article 2 deals with defiling oneself by lust. Kant argues that just as we are to preserve life, sexual love is there to preserve species, which is a natural end. Kant admits it is difficult to find a strong argument to show you don’t have a right to enjoy your sexual organs the way you want to but states that lust means you are governed by your animalistic impulses, which is a debasement of humanity. Finally, article 3 deals with excessive use of food and drink. Again, the fundamental argument is that vices such as drunkenness and gluttony make man lower than an animal and makes him senseless.

The three articles as above provide a structure for the ethical development of the self but all are grounded in protecting the rationality of the human being. Kant previously stated that the intelligible aspect of the person must rule over his/her senses, primarily through reason. If reason is diminished, a person would not be capable of adhering to any sort of duty or universal maxim. This is elaborated in his next section which deals with duties to oneself as a moral being. These duties involve the preservation and enhancement of character, as opposed to biological existence. The first duty is not to lie. Kant argues this violates one’s dignity, even though it may have no consequence on others. Again, Kant emphasises that the first duties one owes is to oneself. Lying is not seen first and

⁴⁵³ The Qur’ān has similar notions of stewardship and death. In the Qur’ān, human beings are vicegerents on earth in the vein of Adam: “When your Lord said to the angels, ‘Indeed I am going to set a viceroy on the earth,’ they said, ‘Will You set in it someone who will cause corruption in it, and shed blood, while we celebrate Your praise and proclaim Your sanctity?’” He said, ‘Indeed I know what you do not know’” (2:30) and “Indeed We presented the Trust to the heavens and the earth and the mountains, but they refused to bear it, and were apprehensive of it; but man undertook it. Indeed he is most unfair and senseless” (33:72). With regards to death, it also has an appointed time that is only with God: “Allah takes the souls at the time of their death, and those who have not died in their sleep. Then He retains those for whom He has ordained death and releases the others until a specified time. There are indeed signs in that for a people who reflect” (39:42), Qarā’ī: *The Qur’ān*.

foremost as a deed in relation to other people but to the self. Lying harms one's own dignity as it is not befitting for a human being who is capable of reason and in control of his/her passions; lying debases an individual. This is explicitly shown through article 2 which deals with avarice. Avarice does not merely relate to greed and miserliness but "restricting one's own enjoyment of the means of good living so narrowly as to leave one's own true needs unsatisfied."⁴⁵⁴ Here, Kant is referring to avarice as the removal of one's end as a human being and replacing it with those needs that make a human being a mere means or tool for whatever he/she covets. The true needs of cultivating dignity and heightening understanding of concepts are relegated or ignored thus restricting true fulfilment.

Finally, article 3 deals with servility or false humility. This means belittling one's own moral worth merely as a means to acquiring the favour of another such as hypocrisy or flattery. This degrades one's personality and dignity. Humanity in a man is the object of respect which can be demanded from every other man but which he must also not forfeit. The consciousness and feeling of the insignificance of one's moral worth in comparison with the law is humility. True humility is valuing one's own dignity not forfeiting it for another. Here the self or at least the inner freedom of a person is meant to be protected, elevated and treated as an end in itself.

Kant's concept of duties to oneself attempts to make the bridge between personal ethical development and performance of moral duty. He says, "the first command of all duties to oneself is know (scrutinize, fathom) yourself, not in terms of your natural perfection but in terms of your moral perfection in relation your duty."⁴⁵⁵ Whilst the process to do this is subjective and there are potentially many maxims one may apply to his self (Kant terms the duties contained in the Doctrine of Virtue as imperfect i.e wide-ranging duties, not governed by external laws), the idea of duties to oneself is always in relation to performance of a duty.

Therefore, Kant's approach is to give a practical framework to ethical development that can fully materialise in the implementation of law (not its incentive, though both can coincide in the performance of a duty). He clearly believes moral duties must be given to

⁴⁵⁴ Kant: *The Metaphysics of Morals*, p228.

⁴⁵⁵ Ibid: p236.

the self and that these must be viewed practically and functionally with a view to contributing to the universal ends of all human beings.

2.3 Defining Rights to the Self in Risālat al-Ḥuqūq

Zayn al-‘Ābidīn’s approach to duties to oneself has been included by Chittick under the heading ‘Rights of God against oneself’ in Risālat al-Ḥuqūq. Zayn al-‘Ābidīn uses *ḥuqūq* and *nafs* in two ways but it appears he is indicating on one meaning. In the first instance, he uses the term ‘*li-nafsika*’, meaning ‘for yourself’ in the sentence,

“The greatest of God’s rights against you is the right which He has made incumbent upon you for Himself and which is the root of all rights, then those which He has made incumbent upon you in yourself (*li-nafsika*), from your crown to your foot, in keeping with the diversity of your organs.”⁴⁵⁶

Chittick has translated *li-nafsika* as ‘in yourself’ and so a set of rights are within your bodily organs. This appears to be in keeping with the context of the sentence as well as what follows which is a delineation of bodily organs from the tongue to the foot which all have rights against the self. This is a perfectly acceptable way to look at the phrase *li-nafsika* but I would further argue that the Arabic preposition ‘*li*’, meaning ‘for’ or ‘to’, denotes a close relationship between two things indicating on belonging and possession.⁴⁵⁷ It is possible to translate ‘*li-nafsika*’ as ‘for yourself’, ‘to yourself’ or even ‘owing to yourself’ because the preposition ‘*li*’ confers benefit on the word to which it is attached or indicates on a thing belonging to another thing. Thus, the rights of the bodily organs are *for the sake of the self* and these *belong* to the self as well.

The second type of phraseology Zayn al-‘Ābidīn uses is ‘*wa amma ḥaqqu nafsika ‘alayka*’, meaning “and as for the right of your self upon you” in the sentence:

“The right of your self against you (*wa amma ḥaqqu nafsika ‘alayka*) is that you employ it in obeying God; then you deliver to your tongue its right, to your hearing its right, to

⁴⁵⁶ Al-‘Ābidīn: *The Psalms of Islām*, p. 282.

⁴⁵⁷ The preposition *li* means: “for; on behalf of, in favour of; to (of the dative); because of; for the sake of; due to; owing to; for, for the purpose; at the time of, when, as; by (designating the author or originator); occasionally substituting for *ila*...” Cowan: *Hans Wehr*, p. 851.

your sight its right, to your hand its right, to your leg its right, to your stomach its right, to your private part its right, and you seek help from God in all that.”⁴⁵⁸

Chittick has translated the phrase as “the right of your self against you” to denote how the rights of the bodily organs are there to restrain the self’s desires. This is why in *Risālat al-Ḥuqūq* Zayn al-‘Ābidīn continues to talk about the purpose of the bodily organs to stop immoral behaviour such as the obscenity that can arise from the tongue or the backbiting that that one can listen to through one’s ears. Therefore, Chittick translates ‘*alayka*’ as ‘against you.’ Again, this is perfectly acceptable within the tone of Zayn al-‘Ābidīn however one could translate ‘*alayka*’ as ‘upon you’ as the preposition of ‘*ala*’ means on, upon, on top of or over something.⁴⁵⁹ In the context of the phrase *wa amma ḥaqqu nafsika ‘alayka*, it is possible to translate it as, ‘and as for the right of your self upon you’ because the rights of your self impose themselves upon the self, as if they are over the self, demanding some kind of performance. Here, Zayn al-‘Ābidīn does not use the preposition ‘*li*’ but uses the grammatical device of *idhāfah* which denotes a possessive construction. This construction joins two words together to create a possessor-possessed relationship. Thus, Zayn al-‘Ābidīn joins ‘*ḥaqq*’ and ‘*nafsika*’ together to create the compound phrase ‘*ḥaqqu nafsika*’, meaning ‘right of your self.’ In contrast to ‘*li-nafsika*’, the possessive construction indicates that the self possesses rights rather than rights being for the benefit of the self through some kind of imposition.

The two phrases above that Zayn al-‘Ābidīn uses are in some respects different but within the context he is using them, they appear to indicate on one meaning – that there are a certain set of rights that impose upon the self through one’s biological organs. This kind of imposition attaches rights to the self for its own benefit and creates duties for the self to perform in relation to those organs. Thus, regardless of the different phraseology, the basic meaning is the same which allows comparison with Kant’s duties to oneself. Moreover, Zayn al-‘Ābidīn does not use ‘*ḥuqūq*’ or ‘*nafs*’ in a phrase. He has used ‘*ḥaqq*’, meaning right (the singular of *ḥuqūq*, meaning rights) and ‘*nafs*’ together as shown above but there is no phrase like ‘*ḥuqūq al-nafs*.’ *Ḥaqq* in fact has several meanings: truth correctness, rightness, rightful possession, property, one’s due, duty,

⁴⁵⁸ Al-‘Ābidīn: *The Psalms of Islām*, p. 284.

⁴⁵⁹ ‘*Ala* means: “on, upon, on top of, over (place, rank); at, on, by; in, in the state of, in the manner of, in possession of; to, toward, for; in addition to; to the debit of, to the disadvantage of; against, in spite of, despite;...” Cowan: *Hans Wehr*, p. 638.

proper manner, true, authentic, real, right, fair, reasonable, correct, sound and valid.’⁴⁶⁰ Considering the emphasis he has placed on rights and the self, it is important to examine possible phrases that capture his intentions and enable a clearer comparison with Kant who uses the phrase ‘duties to oneself.’ It is intriguing that Chittick also acknowledges the need to use appropriate terminology when translating Arabic words in order for particular phrases to have relevance in modern discourses such as human rights.⁴⁶¹

‘*ḥuqūq ila al-nafs*’, meaning ‘rights to the self’, could be an appropriate term to represent Zayn al-‘Ābidīn’s philosophy because it is able to capture the closeness of the relationship between rights and the self. Any preposition in Arabic is simply a word without meaning until something follows it and therefore when we insert ‘*ila*’ with ‘*nafsika*’ it creates an understanding that rights (*ḥuqūq*) are owed to the self (indicating on the performance of duties towards one’s organs) and that rights are closely attached to the self (demonstrating the necessary relationship between rights and the self). All of these indications capture the intentions of Zayn al-‘Ābidīn in attaching rights to organs for the self, especially because *ila* indicates a movement towards a definite object and signifies the meaning of ‘to, toward and up to.’⁴⁶² Thus an individual that perform duties towards his/her organs is engaging in actions which actively develop his/her self which creates a real identity for that person. In fact, Zayn al-‘Ābidīn even begins *Risālat al-Ḥuqūq* with the phrase, “God has rights against you and that these encompass (*muhīt*) you in every movement through which you move...”⁴⁶³ The phrase indicates on the breadth at which he using the concept of rights – as a notion that encompasses not just relationships between people but the very biological organs of the person as well.

⁴⁶⁰ Cowan: *Hans Wehr*, p. 192.

⁴⁶¹ Chittick argues, “Though in the present context the word *ḥaqq* translates best as ‘right’, it has a number of closely related meanings which should be kept in mind, such as suitableness, justice, truth, reality, correctness, properness, appropriateness, necessity, incumbency, obligation, due, and duty. A glance at the ‘Treatise on Rights’ will quickly show that the word ‘rights’ might better have been translated as duties, obligations, or responsibilities, since the treatise is not directly concerned with the rights of the individual, but rather with the rights of others which the individual must observe. Nevertheless, I think it is important to preserve the term ‘rights’, if only to show that in considering human rights primarily in terms of responsibilities, Islām diverges profoundly from most modern Western views, though it has deep kinships with other religious traditions of East and West.” (Al-‘Ābidīn: *The Psalms of Islām*, p. 280)

⁴⁶² There is a detailed discussion of the use of the preposition ‘*ila*’ in: Ibn ‘Aqīl, ‘Abdallāh Baha’u Dīn b. ‘Abdallāh b. ‘Abd al-Rahmān b. ‘Abd Allāh., *Sharḥ Ibn Aqīl ‘Ala Alfīyyat b. Mālik*, volumes 1-2 (Beirut, Lebanon: Mu’assisa al-Tārikh al-‘Arabī, 1996), vol.2, pp. 880 – 893 and Hary, Benjamin H., *Multiglossia in Judeo-Arabic* (Leiden: Brill, 1992), pp. 300 – 304.

⁴⁶³ Al-‘Ābidīn: *The Psalms of Islām*, p. 282.

Other possible phrases such as *ḥuqūq al-naḥs*, meaning ‘rights of the self’ could be used but may suffer from greater ambiguity since rights of the self may imply the rights which the self is naturally entitled to. This would be the same approach of the Islamic-Western human rights discourse that looks at rights as natural legal entitlements of people. Another phrase could be ‘*ḥuqūq li-naḥsika*’, meaning ‘rights for your self’, which directly stems from Zayn al-‘Ābidīn’s own usage of ‘*li-naḥsika*.’ Whilst this phrase is certainly better than rights of the self because it captures a deeper relationship between rights and the self, in English translation it could suffer from some vagueness because ‘*li*’ means for or to, denoting belonging or possession. Thus, rights would belong to the self or are for the benefit of the self but this does not capture the imposition of rights by biological organs on the self which is the context in which Zayn al-‘Ābidīn is operating in and which is the paradigm shift for human rights in this thesis.

Therefore, perhaps ‘*ḥuqūq ila al-naḥs*’, meaning ‘rights to the self’, could be an appropriate phrase to describe Zayn al-‘Ābidīn’s approach to assigning rights to biological organs since it captures the imposition of these rights on the self and the continual interaction between one’s organs and self.

2.4 Zayn al-‘Ābidīn’s Understanding of ‘Rights to the Self’

What does Zayn al-‘Ābidīn mean by the notion of ‘rights to the self’ and how does he give it an operational framework within his charter? If we take the aforementioned definition of *ḥaqq* as right and as an appropriate course of action, we are dealing with how we should be appropriate to ourselves; how we should correctly or even justly act towards ourselves. Within the text of *Risālat al-Ḥuqūq*, this does not have the meaning of total personal autonomy i.e ‘I have autonomy over my body’ or ‘I have a right to use my body the way I want to.’ The notion of right here is in terms of incumbency and duty. Whilst the Kantian notion of duty is rooted in a person’s basic freedom as a rational being capable of determining ends, autonomy is still bound by these very ends; hence Kant’s crucial statement in the *Groundwork*: “Now I say that the human being, and in general every rational being, exists as end in itself, not merely as means to the discretionary use of this or that will...”⁴⁶⁴ In this respect, there is a similarity in both authors in binding personal autonomy within the concept of ends or in the case of Zayn

⁴⁶⁴ Kant: *Groundwork*, p. 45.

al-‘Ābidīn, teleological incumbency to the self through the specific use of bodily organs (this will be explained shortly) and ultimately, God.

With regards to the self, it is interesting that Kant never separates the term ‘self’ from ‘one’ (in his phrase duties to oneself) and admits that he is not talking about the spiritual self or soul. However, Zayn al-‘Ābidīn takes the opposite approach. The term ‘ḥuqūq’ as well as the independent use of ‘nafs’ throughout the early part of *Risālat al-Ḥuqūq* immediately indicates Zayn al-‘Ābidīn is talking about an entity that is by itself, in itself and for itself. There is an independent worth attached to the self which is capable of being talked about in separation to the body. This is substantiated when he talks about the rights to the self in relation to specific bodily parts: ‘The right of your self (nafs) against you is that you employ it in obeying God; then you deliver to your tongue its right, to your hearing its right, to your sight its right, to your hand its right, to your leg its right, to your stomach its right, to your private part its right, and you seek help from God in all that.’⁴⁶⁵

Though the concept of owing duties, rights or obligations to one’s self is the same in both authors’ works, there is a marked difference in approach. By giving the self an ontological value, Zayn al-‘Ābidīn gives it independence. This has huge implications, which I will explore in the next chapter in terms of my own understanding of rights to the self but suffice to say that within the confines of *Risālat al-Ḥuqūq*, the self is an independent object capable of functioning in relation to God, organs, actions and people. The thought of owing rights to organs and even actions (like praying and fasting) is unique in that it appears the self that injects a kind of life into them. This also reflects the Shī‘ī tradition’s emphasis on evaluating one’s biological organs in everyday actions.⁴⁶⁶ As an example of Zayn al-‘Ābidīn’s approach, he says

⁴⁶⁵ Al-‘Ābidīn: *The Psalms of Islām*, p. 284.

⁴⁶⁶ There are numerous narrations by the Twelve Shī‘ī Imams on this subject. For example, ‘Alī b. Abī Ṭālib states, “the tongue of the wise man is behind his heart, and the heart of the fool is behind his tongue” and “the tongue is a beast; if it is let loose, it devours.” Ar-Razi: *Nahj al-Balāgha*, vol. 2, pp. 552 and 564, sayings no. 40 and 60 respectively. Muḥammad b. ‘Alī al-Bāqir, the fifth Shī‘ī Imam, has also stated, “Oh seeker of knowledge, indeed this tongue is a key for goodness and a key for evil. So seal your tongue like you seal your gold and your paper” in: al-Tūsī, Abū Ja’far Muḥammad b. Ḥasan., *Amālī al-Tūsī* (Qum: Dar al-Thaqafah, 1994), p. 543; al-Mufid, Muḥammad b. Muḥammad b. al-Nu’man, *Amālī al-Mufid* (Qum: Shaykh Mufid’s Millenium World Congress, 1993), p. 179; al-Kulayni, Muḥammad b. Ya’qūb b. Ishāq., *Al-Kaḥfī* (Qum: Dār al-Kutub al-Islāmiyyah, 1985), vol.2, p. 114 and al-‘Āmilī, Al-Hurr., *Wasāil al-Shī‘a* (Qum: Ahlulbayt Institute, 1989) vol 12, p. 191. See also the section entitled, ‘Three sources of ill traits’ in: Kāshānī, Muḥsin Fayḍ., *Spiritual Mysteries and Ethical Secrets – a translation of al-Ḥaqā’iq fī Mahāsīn al-Akhlāq* by

“the right of fasting is that you know it is a veil which God has set up over your tongue, your hearing, your sight, your stomach, and your private part to protect you from the Fire. If you abandon the fast, you will have torn God's protective covering away from yourself.”⁴⁶⁷

There is clearly a relationship between what the actions do to the self and what the action is capable of doing or its basic *telos*. This paves the way for the concept of the self to be relevant in the Islamic-Western human rights discourse because it is the self that guides all rights claims and defines a moral or immoral purpose for these claims.

Zayn al-‘Ābidīn begins his concept of rights to the self by making a connection between God and self. God is the “root of all rights”⁴⁶⁸ and after this root, there are:

“those which He has made incumbent upon you in yourself, from your crown to your foot, in keeping with the diversity of your organs. He has given your tongue a right against you, your hearing a right against you, your sight a right against you, your hand a right against you, your leg a right against you, your stomach a right against you, and your private part a right against you. These are the seven organs through which acts (aʿal) take place.”⁴⁶⁹

The above paragraph encapsulates the notion of having rights within and to ourselves (as opposed to outside of ourselves) – ‘upon you in yourself.’ This follows the same approach of Kant. However, whereas Kant dealt with duties to oneself in relation to existence (e.g not to kill oneself, not to eat excessively), Zayn al-‘Ābidīn connects the self to one’s bodily organs (a notion that Kant did not accept⁴⁷⁰), which is demonstrated by the specific mention of each organ such as the tongue, stomach and private part. This is a more elaborate notion of rights to the self as Zayn al-‘Ābidīn is creating an intricate system of rights between the self and one’s organs.

Amina Inloes, Nazmina Virjee and Muhammed Reza Tajri (London: ICAS Press, 2012), pp. 114 – 132.

⁴⁶⁷ Ibid: pp. 284-5.

⁴⁶⁸ Ibid: p. 282.

⁴⁶⁹ Ibid.

⁴⁷⁰ He argues, “And even if the first alternative be true, it is still inconceivable that man should have a duty to a body (as a subject imposing obligation), even to a human body.” Kant: *Metaphysics of Morals*, p. 215.

2.5 Zayn al-‘Ābidīn’s Structure of Rights to the Self

Zayn al-‘Ābidīn’s structure of rights to the self is substantiated by his clear delineation and explanation of what kind of rights the self should owe to its organs. He states:

- “the right of the tongue is that you consider it too noble for obscenity, accustom it to good, refrain from any meddling in which there is nothing to be gained, express kindness to the people, and speak well concerning them.
- the right of hearing is to keep it pure from listening to backbiting (*ghiba*) and listening to that to which it is unlawful to listen.
- the right of sight is that you lower it before everything which is unlawful to you and that you take heed whenever you look at anything.
- the right of your hand is that you stretch it not toward that which is unlawful to you.
- the right of your two legs is that you walk not with them toward that which is unlawful to you. You have no escape from standing upon the narrow bridge (*al-sirat* [over hell]), so you should see to it that your legs do not slip and cause you to fall into the Fire.
- the right of your stomach is that you make it not into a container for that which is unlawful to you and you eat no more than your fill (*shib*).
- the right of your private part (*farj*) is that you protect it from fornication and guard it against being looked upon.⁴⁷¹

According to Zayn al-‘Ābidīn, the tongue has a purpose – that it should not be used obscenely; the hand has a purpose – not to take that which is unlawful for it; the private part has a purpose – to protect it from fornication. More than that, it is not merely up to us to fulfil these purposes but that the tongue or stomach has a right over the self and so *demand*s that purpose from us. The tongue becomes an imposer of rights, as opposed to a passive acceptor of what we determine of the tongue. Although Kant has an article on lying and implies the ignoble use of the tongue, Zayn al-‘Ābidīn is specific in mentioning the bodily organ of the tongue. What is also different is that for Kant, it is the intelligible being within ourselves that exercises reason to control our inner freedoms and desires, which includes actions like lying and avarice. Therefore, we set the limits on our animalistic actions.

⁴⁷¹ Al-‘Ābidīn: *The Psalms of Islām*, p. 284.

However, Zayn al-‘Ābidīn argues it is the bodily devices that set limits for us. This is explicitly illustrated by the right of the stomach as being a container that should not be overfilled. Kant devotes a section to excessive eating and drinking and argues this makes a person senseless (thus reducing his capacity to reason) and lower than an animal (thus debasing his own humanity). The same could be implied from Zayn al-‘Ābidīn’s treatment of the right of the stomach; however, Zayn al-‘Ābidīn focuses more on the appropriate treatment of that organ without a detailed exposition on how we should treat our stomachs; perhaps we may not be able to know when we are debasing ourselves or not if we do not learn the purpose of our stomachs first. The same could be said of lust. Kant argues that a person would be governed by his animalistic impulses if he were to be lustful (thus stopping reason from dominating his passions). Zayn al-‘Ābidīn deliberates on how to treat that very organ, before we become lustful. This locates an understanding of reason that is situated within our sense-based or animalistic being. It is presumed that each organ has a function but that this function is set by the organ itself.

Furthermore, it implies that physically practicing and learning how to use one’s organs is significant in moral development. However, it could be argued that Kant and Zayn al-‘Ābidīn coincide here in that the idea of practice is essentially casuistry for Kant and he devotes a section on this under each of his articles in the doctrine of virtue. At the end of the *Metaphysics of Morals*, he also comments on ethical ascetics,

“the rules for practicing virtue (*exercitiorum virtutis*) aim at a frame of mind that is both valiant and cheerful in fulfilling its duties (*animus strenuus et hilaris*). For virtue not only has to muster all its forces to overcome the obstacles it must contend with; it also involves sacrificing many of the joys of life, the loss of which can sometimes make one’s mind gloomy and sullen.”⁴⁷²

This appears to indicate a spiritual dimension in Kant’s work in order to develop virtue in one’s self. But again this is framed within the performance of duties to oneself which can only materialise when an individual’s state of mind is focused on curbing his/her animalistic desires.

Zayn al-‘Ābidīn’s perspective of organs as having an autonomous legal or moral function can be criticised on the grounds that it is really the self or ‘I’ that gives life or

⁴⁷² Kant: *Metaphysics of Morals*, p. 273.

purpose to anything. It is the 'I' that relates the world to our senses; we perceive the relationship between our selves and anything else, be that an organ, person or society.⁴⁷³ However, I would argue that this is missing the point of *Risālat al-Ḥuqūq*. What is important here is precisely the perception that we have of our self in relation to other things. One may call Zayn al-ʿĀbidīn's approach metaphorical, mystical, spiritual, teleological or biological but as per my central questions in the thesis, how do we view our selves? How can we give it a practical framework that enables greater virtue within us and enable a deeper understanding of human rights? I would posit that Zayn al-ʿĀbidīn's approach is to make the self accessible in order to respect the rights of other human beings. That is why Kant considers his duties to oneself as constituting the crucial preparation for the performance of a duty. And, this is also why Zayn al-ʿĀbidīn situates the rights to the self prior to all other rights as it appears that without coming to some kind of acute perception of ourselves, any system of rights will fail.

Therefore, what we find in Zayn al-ʿĀbidīn's framework of rights to the self is the idea that our internal and external devices ranging from our tongues to our hands have rights over us. Our human devices can be independent tools with the ability to cause benefit or harm to ourselves and others. The idea that such obvious biological tools have a kind of existence, effect and even control over us is interesting. It means we are immediately directed to think of our 'being' as an intricate system of existence.

3 The Operation of the Framework of Duties and Rights to the Self

3.1 Kant's View of Being Receptive to Duties

Having introduced both the foundations and concept of duties to oneself and rights to the self from both authors' works, how do their frameworks of the self work practically? In what way can the self be receptive or recognise the duties or rights which both authors talk of? And, how do the duties to the self branch out to other categories of rights, thus allowing me to make the connection between duties to oneself and human rights? These questions are crucial as they act as a bridge to the human rights discourse discussed in chapter one and the need to carve out a role for the self in that discourse.

⁴⁷³ For an interesting deliberation on what the 'I' is, see Mohanty, J, 'Philosophy as reflection on experience' in *Essays on Indian Philosophy* by J.N Mohanty, edited by Purushottama Bilimoria (Oxford India Paperbacks, 2002), p. 1.

Kant argues that any duty, whether to oneself or others, cannot be fulfilled if,

“there are certain moral endowments which if anyone lacks them they could have no duty to acquire them. They are moral feeling, conscience, love of one’s neighbour and respect for oneself (self-esteem). There is no obligation to have these because they lie at the basis of morality as subjective conditions of receptiveness to the concept of duty, not as objective conditions of morality. All of them are natural predispositions of the mind for being affected by concepts of duty.”⁴⁷⁴

As I have argued, Kant is making an admission of innate moral attributes that are predisposed in a human being. From an overall reading of the *Metaphysics of Morals*, Kant implies basic attributes like moral feeling and conscience come from God. Even in the *Groundwork*, Kant admits at the end that philosophy cannot answer why we feel the inclination to be moral or why we would want to be free.⁴⁷⁵ What is crucial about these moral endowments on a practical level is that no duty can be understood or be fulfilled if a person is not subjectively receptive to it. This receptiveness can only occur when an individual knows himself and understands and nurtures these attributes.

Here, Kant describes moral feeling as “the susceptibility to feel pleasure or displeasure merely from being aware that our actions are consistent with or contrary to the law of duty.”⁴⁷⁶ This moral feeling, which is a natural pleasure or displeasure a person feels towards a particular action, is naturally innate in us. Kant uses the same argument of innateness when explaining conscience as an “internal judge”, love as “a matter of feeling, not willing” and respect as a “feeling of special kind.”⁴⁷⁷ This shows that the system of duties and ends can be constructed but who will respect any of these notions if he/she is not receptive to them in the first place? Kant brings in a distinct element of subjectivity here or at the least, a personal response to duty that primarily operates through non-rational means; conscience, love and feeling are closer towards intuition and innate emotions rather than a rigid system of logic cut off from human nature.

In order to remain consistent, Kant argues,

⁴⁷⁴ Kant: *Metaphysics of Morals*, pp. 200-201.

⁴⁷⁵ Kant states, “the proposed definition of freedom is *negative*, and hence unfruitful in affording insight into its essence; yet from it flows a *positive* concept of freedom, which is all the more rich in content and more fruitful.”, Kant: *Groundwork*, p. 63.

⁴⁷⁶ Kant: *Metaphysics of Morals*, p. 201.

⁴⁷⁷ Ibid: pp. 201-204.

“to have these predispositions can’t be considered a duty, rather every man has them and it is by virtue of them that he can be put under obligation. Consciousness of them is not of empirical origin; it can instead only from consciousness of a moral law, as the effect this has on one’s mind.”⁴⁷⁸

He separates duties from natural predispositions which, according to him, can’t really be investigated by philosophy (or perhaps pure philosophy should not be concerned about them; that is the task of anthropology⁴⁷⁹). Most importantly, though, Kant categorises these moral endowments within the framework of obligation and as resulting from consciousness of a moral law – as the effect this has on one’s mind. Here, Kant translates our subjective feelings into the categorical imperative by making universal maxims out of them. For example, in talking about duties of virtue to others, Kant highlights benevolence (as part of love) as a key duty. He says:

“...the maxim of benevolence (practical love of man) is a duty of all men toward one another, whether or not one finds them worthy of love. For every morally practical relation to men is a relation among them represented by pure reason, that is, a relation of free actions in accordance with maxims that qualify for a giving of universal law and so cannot be selfish.”⁴⁸⁰

Kant also attempts to bridge duties to oneself to duties of virtue to others, specifically the duty to love other men. Here, the subjectivity of the moral endowments is translated on a social level extending to the duties owed to other human and even non-human beings. For example, Kant’s duties of love, “beneficence’, gratitude and sympathy” and correspondingly, the vices of hatred of men, “envy, gratitude and malice”⁴⁸¹ show how the virtues cultivated in the self must eventually help others. These duties are external in nature and this is where Kant creates his system of universal duties by branching out the duties to oneself to other human beings. This is similar to Zayn al-‘Ābidīn who begins with the rights to the self as the foundation of *Risālat al-Ḥuqūq* before tackling the rights

⁴⁷⁸ Ibid: pp. 200-201.

⁴⁷⁹ Kant argues in the *Groundwork*: “Since my aim here is properly directed to moral philosophy, I limit the proposed question only to this: whether one is not of the opinion that it is of the utmost necessity to work out once a pure moral philosophy which is fully cleansed of everything that might be in any way empirical and belong to anthropology;” Kant: *Groundwork*, p. 5.

⁴⁸⁰ Kant: *Metaphysics of Morals*, p. 245.

⁴⁸¹ Ibid: p246.

owed to others. This similarity brings both authors' approach closer with regards to how the individual must channel his own conscience and love, first to himself and then others. Most importantly, it highlights duties to oneself as the foundation of all social actions which shows that if human rights are to be successful, whether from a Western or Islamic worldview, then the way in which a human being understands the duties to his/her self becomes crucial.

However, the reduction of these endowments (as significant as they are) towards obligation or duty and being more of an effect of moral law does not accord them their true value. Practically, a human being responds or interprets his own end and any universal duty in accordance with his/her level of love or conscience. The question still remains as to how to overcome this subjective feeling which can result in duties towards ourselves and others being performed or understood at a very personal level with the potential to discard the reasoned endeavour of universalising maxims - the foundation of Kant's framework. This is where I feel the subjective element in relation to performance of duty needs to be given an enduring framework – an issue tackled to a degree in Zayn al-‘Ābidīn's notion of fulfilling rights towards the 'self', a very personal entity.

Regardless, what should be noted is that Kant's framework of duties to oneself rests on people's understanding of their own conscience and love, which in practical terms offers a huge potential in establishing a workable system of human rights that begins with oneself.

3.2 Zayn al-‘Ābidīn's Approach to being Receptive to Rights to the Self

Zayn al-‘Ābidīn's framework of the self appears to openly admit the subjective elements of being receptive to rights without immediately translating them into universal maxims. When he talks about the self's relationship with its bodily organs, these rights relate to the person's own perception of his/her hand, stomach or private part. It is a subjective endeavour on the part of the person to try and see what his/her own imperfections and perfections are with how he/she is using his/her bodily organ. This is in light of the teleological ends specified by Zayn al-‘Ābidīn for each organ. This approach is similar to Kant in that a person must focus on rooting out his/her vices. However, whereas Kant translates the moral feeling into universal maxims, Zayn al-‘Ābidīn keeps these rights within a non-rational dimension that are fundamentally related to a person's self. The

primary task of an individual is to enhance a greater awareness of his/her self. This stems from understanding the teleological ends appropriate for each organ, which is not the domain of universal maxims but rather personal maxims. So, the tongue should not be obscene or the private part should not be used for fornication. These ends do eventually relate to people, which I will explain in the next section but at the outset Zayn al-‘Ābidīn places greater emphasis on a person’s understanding of his/her own organs.

Here, Zayn al-‘Ābidīn also provides accessibility to self-development by constructing a framework which individuals can use. For example, by listing the bodily organs, their rights, their ends and their relationship to the self, he has offered a way in which ethical growth can occur through identifying parts of the body and their moral implications. Indeed, what can lack in any duty or rights-based system is how to nurture ethical perfection in an individual. Towards the end of the *Metaphysics of Morals*, Kant increasingly talks about casuistry but also includes a rather surprising but unique section on a dialogue between a teacher and student. The dialogue which shows the teacher questioning the student on what his desire in life is, how he can make others happy, the concept of duty and more implies that Kant was trying to show how his moral framework could be digested by the average individual. I think this is extremely far-sighted from Kant as he clearly understands that not everyone can digest “hair-splitting”⁴⁸² words. However, this dialogue still needs to be taught and broken down which again calls for a simpler explanation of some sort. Zayn al-‘Ābidīn is using the concept of a charter and moreover, his list of rights to the self are quite straightforward, identifiable by the common man and talks about basic morals (such as not eating too much), whereas Kant goes into a great depth about numerous virtues and vices.

Therefore, I would argue an individual can benefit from Zayn al-‘Ābidīn’s framework of the self in a more pragmatic fashion than Kant’s owing to the simplicity of his approach. It also seems to leave a lot of responsibility to the individual rather than specifying a list of virtues and vices which in some respects, can be effective if we argue that once the self has mastered the use of an organ, it will naturally behave in an appropriate way to others.

⁴⁸² In this vein, Kant expresses, “the wise man rightly requires that every philosophic teaching be capable of being made popular (that is, of being made sufficiently clear to the senses to be communicated to everyone) if the teacher is not to be suspected of being muddled in his own concepts...on the contrary, scholastic precision must be insisted upon, even this is censured as hair-splitting; for only by this means can precipitate reason be brought to understand itself, before making dogmatic assertions.” Kant: *Metaphysics of Morals*, p36.

3.3 Zayn al-‘Ābidīn’s Expansion of Rights to the Self to Rights to Others

In the latter part of *Risālat al-Ḥuqūq*, Zayn al-‘Ābidīn expands the rights to the self to others. There are too many categories to state here but few examples will suffice. For example, he mentions the rights of leaders, subjects, womb relatives and then a miscellaneous category of others which includes the rights of neighbours, companions, business partners, debtors, adversaries, advisors, counsellors, elders and youngsters.⁴⁸³ With regards to how to treat a person who has done a kind act towards you, he says:

“the right of him who does a kindly act (*dhu l-ma'ruf*) toward you is that you thank him and mention his kindness; you reward him with beautiful words and you supplicate for him sincerely in that which is between you and God. If you do that, you have thanked him secretly and openly. Then, if you are able to repay him one day, you repay him.”⁴⁸⁴

Naturally, a person that is able to control and direct his tongue can act in a way that honours the one who has done a kind act towards him. It is striking that expressing beautiful words and supplicating sincerely for the person are crucial in thanking a person because these actions stem from the proper use of the tongue. Thus, if one reflects on the purpose of one’s biological organs, he/she can use them to do good acts for someone else.

Another example is in the realm of leadership. In talking about how a leader should treat his subjects Zayn al-‘Ābidīn states,

⁴⁸³ As examples of these categories, Zayn al-‘Ābidīn describes the right of one’s mother as: “the right of your mother is that you know that she carried you where no one carries anyone, she gave to you of the fruit of her heart that which no one gives to anyone, and she protected you with all her organs. She did not care if she went hungry as long as you ate, if she was thirsty as long as you drank, if she was naked as long as you were clothed, if she was in the sun as long as you were in the shade. She gave up sleep for your sake, she protected you from heat and cold, all in order that you might belong to her. You will not be able to show her gratitude, unless through God’s help and giving success” (p. 287); with regards to the right of one’s neighbour, he states: “the right of your neighbour (*jar*) is that you guard him when he is absent, honour him when he is present, and aid him when he is wronged. You do not pursue anything of his that is shameful; if you know of any evil from him, you conceal it. If you know that he will accept your counsel, you counsel him in that which is between him and you. You do not forsake him in difficulty, you release him from his stumble, you forgive his sin, and you associate with him generously. And there is no strength save in God” (p. 289). For a full list of the rights to others, see pp. 288 – 92 in Al-‘Ābidīn: *The Psalms of Islām*.

⁴⁸⁴ Al-‘Ābidīn: *The Psalms of Islām*, p. 288. A cross-reference can be made to Alī b. Abī Ṭālib’s letter to his governor of Egypt, Malik al-Ashtar, which contains similar advice on how to act as a leader but in significantly more detail. See: Ar-Razi: *Nahj al-Balāgha*, volume 2, letter 53, p. 432.

“the right of your subjects through authority is that you should know that they have been made subjects through their weakness and your strength. Hence it is incumbent upon you to act with justice toward them and to be like a compassionate father toward them. You should forgive them their ignorance and not hurry them to punishment and you should thank God for the power over them which He has given to you.”⁴⁸⁵

Here, it is intriguing that in the performance of the right, Zayn al-‘Ābidīn fuses law, ethics, spirituality and theology together. A person must reflect on his/her position (a spiritual exercise), he must act like a “compassionate father” towards his subjects (an ethical concern), he is a leader by virtue of his subjects’ weakness and it is incumbent to act with justice toward them (his legal status and duty) and finally, the leader should thank God for the power given to him (a theological understanding of a Higher being). This deepens the performance of rights which cannot remain purely rational; it also must be non-rational and intuitive. The very moral endowments which Kant speaks of are connected not merely as predispositions in the performance of law but necessary external conditions. According to Zayn al-‘Ābidīn, sincerity, love and compassion are the incentives and aspects of rights which an individual must use.

Another difference in the way the framework given to the self operates is a new category included by Zayn al-‘Ābidīn called ‘rights of acts.’ Perhaps similar to his approach to bodily organs, Zayn al-‘Ābidīn gives a right to actions to which the self is the subject. For example, he says,

“the right of your ritual prayer (*salāt*) is that you know that it is an arrival before God and that through it you are standing before Him. When you know that, then you will stand in the station of him who is lowly, vile, beseeching, trembling, hopeful, fearful, and abased, and you will magnify Him who is before you through stillness and dignity. You will approach the prayer with your heart and you will perform it according to its bounds and its rights.”⁴⁸⁶

Giving rights to actions again can be regarded as metaphorical but there appears to be a logic in connecting God to the self, then the self with bodily organs and then what the bodily organs should relate to – actions. After this comes the category of people or

⁴⁸⁵ Ibid: p286.

⁴⁸⁶ Ibid: p284.

specifically, rights to others. Therefore, there is a purposeful direction in *Risālat al-Huqūq* in trying to approach the concept of rights in a structured way that the common man can understand. The example of the ritual prayer (as well as charity, fasting, hajj and offering) is based on the idea of what the action should be doing to the self.⁴⁸⁷ The ritual prayer intends to make the self humble and abased thereby reducing ego but ultimately, acknowledge the glory of God. The ritual prayer clearly lies within the *furū al-dīn* (branches of religion)⁴⁸⁸ of Islām which specifies the external acts which range from the ritual, social, spiritual and physical in order to get closer to God.

Therefore, whilst Kant has not included specific actions which may help to nurture virtue, *Zayn al-‘Ābidīn* includes actions like prayer and charity in order to give a practical outlet to performing virtue.

4 Conclusion

My concluding remarks are based on two themes: the similarities and differences in approach between the two authors in giving a framework to the self and how their concepts can aid me in my own framework for the self in chapter four.

The fundamental similarity between Kant and *Zayn al-‘Ābidīn* is the acknowledgement that duties are owed to a person’s self, not just other people. This goes beyond private

⁴⁸⁷ Another example which he uses to demonstrate the rights of acts is in relation to fasting. He states: “the right of fasting is that you know it is a veil which God has set up over your tongue, your hearing, your sight, your stomach, and your private part to protect you from the Fire. If you abandon the fast, you will have torn God’s protective covering away from yourself.” For a full list of the rights of acts, see: pp. 284 – 5 in *Al-‘Ābidīn: The Psalms of Islām*.

⁴⁸⁸ According to the Shī‘a, these are: *salāt* (prayer), *ṣawm* (fasting), *hajj* (pilgrimage), *zakāt* (charity on goods), *khums* (one fifth charity from savings), *jihād* (mental and physical striving), *amr bil-ma’ruf* (enjoining that which is honourable) and *nahi anil-munkar* (forbidding that which is dishonourable). In addition to these, *tawalla* (to love the Prophet’s household, the ahl al-bayt) and *tabarra* (to disassociate with the enemies of the Prophet’s household) have also been specified as a core part of the *furū al-dīn* because of the status the ahl al-bayt hold in the Shī‘ī tradition. See Shomali: *Shī‘ī Islām*, pp. 111 – 123 and pp. 77 – 97. Intriguingly, in sermon 110 of *Nahj al-Balagha*, ‘Alī b. Abī Ṭālib cites the following as the foundation of Islam (which ibn Abi al-Hadid also extracts for the purposes of his commentary on the sermon): “*imān* (faith) in God and his Prophet, *jihād*, *kalimat al-ikhhlās* (expression of Divine purity), *salāt*, *zakāt*, *saum* in the month of Ramadhan, *hajj* and *umrah* (minor pilgrimage) and finally, “*silat al-rahm*” (upholding ties of kinship).” A case can be made here that ‘Alī b. Abī Ṭālib’s identification of the foundation of Islam is the minimum core to be a Muslim, which holistically includes its spiritual, theological, legal and ethical dimensions. The current division between *uṣūl al-dīn* (principles of religion) and *furū al-dīn* as well the development of further principles within both categories is a later development owing to Muslim theological debates, divergences in legal tradition and historical circumstances. See: Ar-Razi, *Nahj al-Balagha*, sermon 110, p. 422; al-Hadid, *Sharh Nahj al-Balagha*, vol 7, pp. 222-223 and Mutahhari, *Understanding Islamic Sciences*, pp. 49 – 88.

and public duties (which Kant deals with in the Doctrine of Right) and makes space for an inner dimension to law that can have a practical position within the performance of duties and rights. The key difference is that whereas Kant chooses to reserve God outside of the domain of philosophy, Zayn al-‘Ābidīn includes Him as the root of all rights. According to Kant, the incentive for these duties is always within the scope of performing duty and acknowledging the universal ends of human beings, valuing their humanity and dignity. Moral feeling, conscience, love of human beings and respect appear to have more of a place in the *Metaphysics of Morals* in the preparation of performing one’s duty. For Zayn al-‘Ābidīn, however, these non-rational incentives are actually primary in the performance of rights thus putting a human being’s perceptions and subjective feelings as the driver of law (not merely supplementary); but these are always directed by teleological ends as exemplified by his unique categories of rights of bodily organs and actions.

The key points of development for me from both authors are the importance of examining how rights or duties to the self can operate in practice. I would like to take these duties out of a non-rational dimension, as Kant has done and include them in a rights discourse, in the vein of Zayn al-‘Ābidīn. Moreover, I want to explore how ontological norms can be discovered from the internal relationship of the self and its bodily organs. This is an aspect hinted by Zayn al-‘Ābidīn but I want to take it further by looking at how human rights can be better understood and implemented by this internal relationship. By developing my own a framework which not only positions the self as the central feature of human rights but emphasises the way in which it should be accessed and nurtured through one’s biological organs, I can proceed to carve out a role for the self in the Islamic-Western human rights discourse.

Chapter 4

My Framework for the Self: the ‘Internal Human Contract’

Having analysed the self in accordance with Kierkegaard, ‘Alī b. Abī Ṭālib, Kant and Zayn al-‘Ābidīn, I can now extract the main facets of how they understand the self and construct my own framework of how to access the self. The goal of this chapter is to explain the nature of this framework and secondly, to appropriately position it within the Islamic-Western human rights discourse as a means by which the concept of rights can be broadened. At the end of chapter one, I outlined where the notion of the self could contribute which is in addressing the issues of curbing human desires, addressing psychological insecurities, nurturing empowerment and constructing identity. In my view, these are the problems which the current paradigm of human rights does not tackle. The Internal Human Contract could offer a way to address these problems.

Whereas the analysis of chapters two and three were faithful to the authors’ texts, this chapter will use the authors’ main ideas independently in order to help create my framework and demonstrate the specific methodological influences of the authors. What I have found (especially in relation to my aim of narrowing the gap between Islamic and Western scholarship) is that each author can be used to contribute to a more accessible and universal framework for the self. For example, ‘Alī b. Abī Ṭālib’s theological and metaphysical conception of God does not necessarily contradict Kierkegaard’s conception of the self as an entity engaging in a subjective and personal journey. Perhaps the self can start on this journey and arrive at a firmer ontological conclusion about reality. Again, Kant’s separation of religion and philosophy does not necessarily mean that Zayn al-‘Ābidīn’s rights to the self (which are rooted in God) have no practical relevance to non-religious people. I will attempt to combine these views to form a rounded framework for the self.

The approach of combining specific elements together from various facets of Muslim scholarship in order to analyse human rights has been attempted by Abdullahi An-Na‘īm. He argues,

“many elements of what I am proposing have been presented by other Muslim scholars, which I find to be encouraging, because it indicates that my proposal can draw on that

accumulation of insights and arguments... what I hope to contribute is to bring various elements together, particularly the dimensions of constitutionalism, human rights, and citizenship, in ways that facilitate the practical implementation of the proposed framework for mediating the relationship of Islām, the state, and society.”⁴⁸⁹

An-Na‘īm’s methodology is refreshing as it cuts through the oppositional and exclusivist discourse between Islām and the West – a discourse which Arkoun argues as suffering from “intellectual arrogance”, which is why he defends, “a pluralistic, open epistemology that goes beyond the contradictory debates on the one-sided truth, or the right of each individual to hold on to his ‘difference’, without caring about the ideological dimensions implicit in each ‘difference’, or ‘identity’ currently based on emotional ties.”⁴⁹⁰ In the same vein, I do not wish to be constrained by the ideological dimensions present in both the Shī‘ī and Western philosophical tradition but rather use an “open epistemology” that draws on the philosophical ideas in both traditions.

As outlined in chapter one, an-Na‘īm’s use of constitutionalism, human rights and citizenship demonstrates an interdisciplinary, pluralistic and practical approach to human rights which I strongly advocate.⁴⁹¹ Where my approach differs is the breadth of scholarship that I am tapping into in order to come up with a practical framework. I am tapping into both Islamic and Western scholarship, specifically Shī‘ī-Islām and Western philosophical sources and amalgamating ideas from the four figures to shift the discourse on human rights from constitutionalism and citizenship towards self-awareness and identity. An-Na‘īm’s discourse, whilst interdisciplinary, is within the

⁴⁸⁹ An-Na‘īm, Abdullah A., *Islām and the Secular State*, (Massachusetts: Harvard University Press, 2008), pp. viii – ix.

⁴⁹⁰ Arkoun, Mohammed., *Islām: to Reform or to Subvert* (London: Saqi Books, 2006), p97. Arkoun has also previously commented on the need to engage in a ‘new epistemological strategy for the comparative study of cultures’ which goes beyond the distinctions of Islām, the West, revelation and secularisation. Arkoun, Mohammed., ‘Rethinking Islām Today’, *The ANNALS of the American Academy of Political and Social Science*, 588, (2003), pp 18 – 39 at p. 19.

⁴⁹¹ It may be possible to philosophically describe An-Na‘īm’s approach as ‘interdisciplinary analysis.’ This is “work that integrates knowledge and modes of thinking from two or more disciplines. Such work embraces the goal of advancing understanding (e.g., explain phenomena, craft solutions, raise new questions) in ways that would have not been possible through single disciplinary means.” Mansilla, Veronica Boix., “Assessing interdisciplinary work at the frontier. An empirical exploration of ‘symptoms of quality’”, *Research Evaluation* 15, 1 (2006), pp. 17-29. Furthermore, according to Squire, dimensions can overlap with those of other disciplines. Changes within a dimension in a discipline may spark modifications in other dimensions in that or other disciplines. He recognises that disciplines are not completely isolated from each other and acknowledges change within disciplines. See Squire, Geoffery., ‘Interdisciplinarity in higher education in the United Kingdom’. *European journal of education* 27, 3 (1992), pp. 201-210. An-Na‘īm’s use of constitutionalism, human rights and citizenship which crosses the boundaries of law, politics and sociology is an attempt to bring about an “advanced understanding” of Islām’s relationship with human rights.

confines of jurisprudence and law whereas mine attempts to combine law with metaphysics and philosophy.

Furthermore, my approach is very much a quest for meaning for the individual, in the vein of Charles Taylor's methodology in his seminal work *Sources of the Self*. His thesis, arguments and structure are rooted in finding out why human beings have certain deep-rooted instincts or "gut feelings"⁴⁹², what gives them meaning and dignity in their lives and specifically, how frameworks that foster meaning are extremely important. Yet he acknowledges his essay is one of "retrieval"⁴⁹³ and that others may regard "ontological claims", "meanings and frameworks" as "very suspicious."⁴⁹⁴ It is easier, as others say, to regard this kind of framework as a "pseudo-question" and go for a "stripped down ontology" to keep with a "more scientific outlook."⁴⁹⁵ My framework attempts to give an entry point for the self in order for human rights to be cultivated and implemented in society. This moves discussions from only problematising the self to offering a practical way in which personhood can be developed.

The approach of combining elements in the vein of an-Na'im and giving importance to the notion of self akin to Taylor are useful intellectual strategies in order to give weight to the task of constructing the Internal Human Contract. Moreover, they potentially represent aspects of current Islamic and Western intellectual thought respectively but not in an oppositional discourse; rather in a discourse of finding meaning for human beings and constructing a pragmatic structure, not just a philosophical analysis.⁴⁹⁶ I will begin by briefly summarising the authors' main views and then elaborate on my own

⁴⁹² Taylor, Charles., *Sources of the Self* (Cambridge: Cambridge University Press, 2008), p. 7

⁴⁹³ Ibid: p. 10.

⁴⁹⁴ Ibid: p. 19.

⁴⁹⁵ Ibid. It may be possible to describe Taylor's approach to philosophy as 'epistemological holism.' This is the "view that whole theories are the units of confirmation. Single hypotheses yield observational predictions only with the aid of background theory...it is a consequence of epistemological holism that whether a belief is justified depends upon the support of the whole structure of beliefs to which it belongs." Dancy, Jonathan, Sosa, Ernest & Steup, Matthias (eds.), *Blackwell Companions to Philosophy: A Companion to Epistemology* (Oxford: Wiley-Blackwell, 2010), p. 420) Hence, Taylor's use of "frameworks", "structures" and a broader set of philosophical theories is an attempt to yield a fuller and hopefully, more certain approach to our understanding of our instincts and ultimately, ourselves.

⁴⁹⁶ In fact, recent research on the purpose of philosophy, particularly Western philosophy (and whether recent trends indicate on its unsuccessfulness in providing new horizons to problems) suggest a clash between philosophy as a 'revolutionary process' or as a 'constructive, collaborative enterprise that seeks increased rigor and consensus.' See Barham, Ross., 'Metaphilosophical Dualism', *Essays in Philosophy* 12 (2011), pp. 272-290 at p. 272 and Kamber, Richard., 'Philosophy's Future as a Problem-Solving Discipline: The Promise of Experimental Philosophy', *Essays in Philosophy* 12 (2011), pp. 291-311.

framework for the self, drawing upon the views of all the authors at each stage of my framework. This chapter is not prescriptive but instead, lays the seeds of a workable framework for the self which can be sieved in the Islamic-Western human rights discourse. My conclusion will give some brief hints as to how the Internal Human Contract discourse can be developed in a more practical capacity in the future.

1. Summary of the Ideas of the Four Authors

Kierkegaard's approach to the self in *Eighteen Upbuilding Discourses* is within the Christian tradition and he terms the self as the soul. However, rather than just deliberating on rituals and theological doctrines as a way to nurture the soul, he focuses more on 'upbuilding' i.e on self-reflection, ethical improvement, attainment of morals and true inner growth to enhance one's knowledge of one's self. It is precisely gaining self-awareness that is the task of Kierkegaard in *Eighteen Upbuilding Discourses* and it appears he places the self in a broader scope. Though his epistemological foundation is clearly based on scripture, he wants to allow fellow Christians to think about the substance of their religion, which is personal ethics. This should be done by thinking about one's self pragmatically in terms of one's goals, desires, happiness and contentment in life.

'Alī b. Abī Ṭālib takes a similar approach to Kierkegaard in *Nahj al-Balāgha* in viewing the self as the soul. Whilst Kierkegaard is instigating the reader to think about what the self is, 'Alī b. Abī Ṭālib relays what he feels to be objectified aspects about the soul to his audience. According to him, the soul does have ontological attributes which are relayed in revelation and *aḥādīth* and these should be acknowledged by religious believers, specifically Muslims. His approach, however, in developing the self is similar to Kierkegaard because he informs his audience, through his sermons, how to develop piety, reduce worldly desires and cultivate a relationship with God; the themes are virtually identical to Kierkegaard. In sum, 'Alī b. Abī Ṭālib uses a more ontological approach in describing the self whilst Kierkegaard takes a more subjective approach, leaving it to the reader to figure out what the self actually is. Both authors, however, use ethical development and self-knowledge as the ways to do this.

Whereas Kierkegaard and 'Alī b. Abī Ṭālib have viewed the self as a moral, spiritual and metaphysical entity that begins to occupy a place in practical ethical development, Kant

and Zayn al-‘Ābidīn have used the self in a much wider framework. For them, the self is capable of possessing rights and/or duties. These rights are actually internal rights which a human being owes to his/her self and which form the foundation for external rights between human beings. Hence, the self does not remain within ethical development but rather has a role to play in bringing about self-awareness for the performance of duties and legal obligations to one’s self as well as to others. In the *Metaphysics of Morals*, Kant is emphatic in separating religion and philosophy arguing that the self should not be considered as a soul - it is not the task of philosophy to engage in this line of enquiry (though as I have argued he acknowledges the existence of the soul and God outside the domain of philosophy). His approach posits the self as an inner freedom that requires guidance and regulation. Moreover, he does not believe that bodily organs can possess any kind of rights; rather, duties are associated with curbing animalistic desires related to the body such as lustfulness and avarice. This is where Zayn al-‘Ābidīn differs as he does believe the self is the soul stemming from God and bodily organs such as the hand or legs have rights against the self. Where the two authors meet is the idea that the self has relevance in preparing the individual for the performance of enforceable rights. Here, the self helps the individual to fulfil maxims but requires casuistry and structure and a list of duties to follow. This of course is different from Kierkegaard and ‘Alī b. Abī Ṭālib who emphasise development of the self through a broad cultivation of the notion of piety.

In light of the authors’ views, my approach is to view the self in a pragmatic capacity that is rooted in moral development but is capable of being realised in legal and social machinery. Moreover, I argue that it is capable of discovering ontological norms and an ontological reality through the idea of recognising its own duties. This is perhaps a median position between the four authors as I am not starting from a purely scriptural position that acknowledges the self within a religious framework; nor am I fully advocating a position that leaves the self disconnected to theology and morality. I also believe that Kierkegaard’s subjective approach has a great deal of value in giving space to all human beings to develop knowledge of their selves, regardless of religious, social and ethnic background. ‘Alī b. Abī Ṭālib’s inner recognition of a reality beyond our own perception as outlined in sermon 1 of *Nahj al-Balāgha* also has value as I argue self-knowledge is not merely a moral quest or a quest to discover one’s self or personality. It can also be a quest to discover inner realities that are not only common to human beings but which may indicate on the origins of human beings; through recognising the self we

may tap into a collective knowledge of where we are from, who we are and where we are going.

Here, Kant's emphasis on the role of the self in helping an individual perform duties and obligations to him/her self as well as others is crucial in giving a structure to this self-discovery. Zayn al-ʿĀbidīn's 'rights to the self' through bodily organs and actions gives a specific structure here, arguably more practical than Kant's casuistical approach as it allows an individual to practically reflect on the kind of duties he/she owes to his/her organs on a daily basis. Indeed, these very organs such as the tongue or hand are the cause of happiness or destruction for a human being. For my own deliberations, I believe that there needs to be casuistry but not in the philosophical form of Kant. I think that Zayn al-ʿĀbidīn's charter provides an appropriate form to initiate the beginnings of a structure for the self and include it in the Islamic-Western human rights discourse.

From the texts of the above authors, one can argue the self is an identifiable entity by every human being, whatever his/her mental capacity. There is, I believe, recognition by a human being that he/she possesses a personality, an 'I', which defines him/her on a long-term or short-term basis. When a person says 'golf makes me happy' or 'loneliness makes me sad', he/she is relating his/her happiness to something. Even if a person does not identify this as his/her self, it is still something which he is relating to beyond his/her physical senses. The commonness and simplicity by which we identify our selves is significant; it gives me an entry point in giving a framework to the self and make it relevant within the Islamic-Western human rights discourse. It appears the relationship between a human being's every day activities and his/her self is present but may not always be acknowledged, depending on how self-aware that individual is – a point repeatedly emphasised by 'Alī b. Abī Ṭālib in *Nahj al-Balāgha* as well in other narrations.⁴⁹⁷ I believe this is the crucial starting point in order to establish the self as an accessible entity for every human being, whether religious or non-religious. If the self is an entity which we refer to constantly, whether knowingly or unknowingly, it clearly has a foundational and dynamic place in our lives. It is the initiator, repository, reference point and guide of our actions. It seeks to inform us of our desires and goals whilst at the same time storing information of our experiences and memories. These very experiences guide us but continue to change, thus changing the nature of who we are. It appears the self is both a static and constant entity (in the vein of Kierkegaard) that defines our

⁴⁹⁷ See chapter three of this thesis for 'Alī b. Abī Ṭālib's emphasis on knowing the self.

private and public conduct. It also contains many facets and functions ranging from our instincts and desires to memories and visions. However we want to describe this entity, it seems we must admit that it is the only reference point we have in our lives of defining who we are and our perceptions of the world.

If the self holds such a central place in our lives, it is important to consider how we can better understand it. Is it possible for every human being to do this? Is this only the task of the believer, spiritualist and scholar? How can every human being, young or old, understand his entity which is the constant reference point in their lives? This has been my central concern in my thesis because in my view, the self is the pre-cursor to all actions and rights – a point that Kant and Zayn al-‘Ābidīn have expressed in their texts. The problems I identified in chapter one involved human rights failing to address concerns of whether rights could be grounded in anything deeper than dignity, whether an over-arching vision of rights could be provided through the self and finally, how the desires and claims for rights could be evaluated and nurtured. Black letter law may regulate society through legislation but it is always an individual’s nature and behaviour which causes society to prosper or disintegrate – hence the significance of these aforementioned problems. To better understand the self, I argue an accessible and recognisable framework is needed. I will now define this framework by first outlining six attributes that have been derived from the texts of the authors which act as the philosophical foundations for the Internal Human Contract.

2. My Framework for the Self: the Internal Human Contract and the Six Attributes that Characterise it

Starting from a combined position incorporating the views of all four authors that the self must be concerned with morality and personal development as well as the need to posit a structure for this, the overall ethos of the Internal Human Contract is to achieve inner moral growth for the performance of human rights. This inner moral growth is achieved through the primary goal of my framework which is for an individual to recognise his/her self. By accessing the self, a person is free to engage in self-knowledge and fulfil a set of rights towards himself/herself. In order to facilitate this access, the Internal Human Contract must have the following features.

Accessibility: The Internal Human Contract must fundamentally be accessible to the layman in order to provide an entry point to the self that is instantly recognisable. It cannot be incomprehensible or difficult to understand nor should it be exclusive for the scholar or educated person. Accordingly, in the *Metaphysics of Morals*, Kant states,

“the wise man rightly requires that every philosophic teaching be capable of being made popular (that is, of being made sufficiently clear to the senses to be communicated to everyone) if the teacher is not to be suspected of being muddled in his own concepts...”⁴⁹⁸

Hence for me, accessibility means universality and offering an entry point to the self that can be identified by every individual, young or old, lower or upper class, whatever their religious and ethnic background. Zayn al-‘Ābidīn’s *Risālat al-Ḥuqūq* gives me a form by which these entry points can be accessed. His simple language, division of rights and phrases appeals to the layman. His natural structural progression in tackling God, then the self, bodily devices, actions, leaders, the family unit and then other relations is both logical and comprehensible. Moreover, his explanation of these various rights is concise and does not suffer from technical legal language. For example, Zayn al-‘Ābidīn states, “the right of hearing is to keep it pure from listening to backbiting” or the “right of your neighbour is that you guard him when he is absent”⁴⁹⁹ which are both easy to understand and apply. I want to use this same approach in making my framework accessible within the Islamic-Western human rights discourse.

Choice: Secondly, the Internal Human Contract must offer an individual the freedom to access his/her self in a manner that allows choice, personal analysis, control and the formulation of his/her own identity. It cannot force an individual to behave in a particular way or believe in a set of norms. An individual must arrive at a particular position of understanding his/her self with his/her own autonomy. This is very much a Socratic approach, inspired by Kierkegaard’s *Eighteen Upbuilding Discourse* that allows a person to be his/her own teacher. Even in his other works, Kierkegaard states, “from the very beginning, I have stressed and repeated unchanged that I was ‘without authority.’ I regard myself rather as a reader of the books, not as the author.”⁵⁰⁰ I would

⁴⁹⁸ Kant: *The Metaphysics of Morals*, p. 36

⁴⁹⁹ Al-‘Ābidīn: *The Psalms of Islām*, p. 282.

⁵⁰⁰ Kierkegaard, Søren., *The Point of View*, Trans. Hong and Hong, (Princeton: Princeton University Press, 1998), p. 12

take the same approach here in that I do not consider myself as an authority; I have more to learn from the very process of the framework itself. Although Kierkegaard situates his writings from a Christian background, he explicitly says that,

“the category for his undertaking is: to make persons aware of the essentially Christian but this accounts for the repeated statement: I am not that, for otherwise there is a confusion...I say: the whole undertaking is for my own discipline and education.”⁵⁰¹

It is precisely raising a person’s awareness of the self and doing so from the perspective of an initiator and learner that I am coming from. I think Kierkegaard’s approach is invaluable as it removes bias, self interest and arrogance from the Internal Human Contract.⁵⁰²

Structure: Thirdly, the Internal Human Contract must offer a system of co-ordinates that guide this very accessibility. There must be a map, a clear direction which offers a structure to every individual to access his/her self and understand the way in which they implement human rights. As I will show, I have identified our biological devices as these coordinates. The task of this structure is to enable the individual to navigate himself/herself after the entry point to the self has been identified. Once an individual chooses to become more aware of his/her self, these co-ordinates are at his/her disposal to constantly facilitate this access. ‘Alī b. Abī Ṭālib has inspired this approach because in contrast to Kierkegaard who advocates upbuilding and a freer journey to discover one’s self, ‘Alī b. Abī Ṭālib continually emphasises the Qur’ān and Sunnah as the cornerstones of Godly guidance. The Qur’ān and Sunnah are of course the key sources in *uṣūl al-fiqh* (the principles of jurisprudence) to derive a law and in the Shī‘a tradition, sunnah is specifically defined as the actions, sayings and tacit approval of Prophet Muḥammad and his progeny, which he left behind for the Muslim community to seek guidance from.⁵⁰³ Here, the Qur’ān and Sunnah can be regarded as the coordinates for

⁵⁰¹ Kierkegaard, Søren., *Søren Kierkegaard’s Journals and Papers* (Indiana: Indiana University Press, 1978), p. 252.

⁵⁰² For another example of this approach in Kierkegaard’s work, see Howland, Jacob., *Kierkegaard and Socrates: A Study on the Philosophy of Faith* (Cambridge: Cambridge University Press, 2006), which examines Kierkegaard’s ‘Philosophical Fragments.’

⁵⁰³ For the Shī‘ī faith’s emphasis on sunnah as explicitly the Prophet’s family, meaning the Ahl al-Bayt (people of the household), see *ḥadīth al-thaqalayn* (narration of the two weighty things): *Al-Mustadrak ‘al al-Sahīhayn*, (Beirut, Lebanon: Dar al-Ta’aruf, 1983) vol. 3, pp. 109-110 and *Al-Nisāpūri*, Abū al-Husayn Muslim b. al-Hajjaj al-Qushayri., *Sahīḥ Muslim* (Beirut: Dar al-Fikr, 1981), 4: 1873, hadith no. 36.

every Muslim to turn to when they want to seek moral, spiritual, legal and theological guidance.

In *Nahj al-Balāgha*, ‘Alī b. Abī Ṭālib devotes several sermons to the kind of guidance both these tools can provide. For example, in sermon 110, he states:

“Learn the Qur’ān because it is the best narration. Understand it because it is a spring for the hearts. Seek cure with its light because it is a cure for the chests. Beautify its recitation because it has the most beneficial stories.”⁵⁰⁴

Here, ‘Alī b. Abī Ṭālib emphasises how the Qur’ān is the key source of guidance for Muslims and its potential spiritual impact as a “spring for the hearts” and “cure”, which is for “disbelief, hypocrisy, revolt and misguidance.”⁵⁰⁵ I believe this is a beneficial approach as instead of leaving the task of self-reflection to an individual, which can be an arduous one especially if a person is not used to contemplation, it is useful to provide some kind of foundation or structure to access the self.⁵⁰⁶

Practicality: Fourth, these co-ordinates and my framework overall must be practical; they must relate to our everyday actions as human beings. An overly theoretical framework that has little connection with our day to day activities, social lives, rights, relationships, personal desires and communities in which we live would have little benefit to an individual. How could that individual develop an awareness of his/her self and the implementation of rights that are connected to the reality in which he/she lives in? Practicality is a central characteristic precisely because it offers a tangible connection with an individual’s life. It is significant that Zayn al-‘Ābidīn’s *Risālat al-Ḥuqūq* strikes deep at the heart of one who reads it because it talks about rights and

⁵⁰⁴ Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 110, p. 422. I have modified the translation somewhat from the text by replacing “fairest of discourses” with “best narration”, “blossoming” with “spring”, “hearts” with “chests” and “beautiful narration” with “beneficial stories.” Sermon 176 and 158 further expound the concept of the Qur’ān as being the foundational source of guidance for a human being.

⁵⁰⁵ Disbelief, hypocrisy, revolt and misguidance are the key illnesses which the Qur’ān is able to cure according to ‘Alī b. Abī Ṭālib in sermon 176. Ar-Razi: *Nahj al-Balāgha*, volume 1, sermon 176, p. 657.

⁵⁰⁶ Taylor argues that before the modern age, questioning this foundation (be it religious or moral) would have made no sense to people like Luther, “this term [crisis of meaning] would have made no sense to Luther in its modern use ... the meaning of life was all to unquestionable for this Augustinian monk, as it was for his whole age’ That is why I am arguing for foundations in my framework simply because ‘a framework is that in virtue of which we make sense of our lives spiritually. Not to have a framework is to fall into a life which is spiritually senseless.” Taylor: *Sources of the Self*, p. 18.

duties that every human being engages in, expects and perceives. The leader as a “compassionate father”, mother as someone who remained “thirsty as long as we drank” and the stomach as a “container” that should not be “overfilled” are pertinent examples of this approach.⁵⁰⁷ Kant tackles the same subject-matter in the *Metaphysics of Morals* when he discusses how a human being should not overeat or be led by base desires.⁵⁰⁸ Therefore, the emphasis on relating the self to everyday problems and concerns is crucial for the Internal Human Contract to be sieved in the Islamic-Western human rights discourse.

Ethical Reflection: Fifth, the Internal Human Contract must focus on inner awareness and ethical development to guide an individual’s actions and the implementation of human rights. The source of our human rights is our motivations, intentions and desires as human beings. My framework must be able to tap into these very powerful forces and enable us to become more cognisant of what drives our everyday actions. If we can access them, then we have the ability to examine and mould them thereby giving us greater control of our own development and identity. The constant direction must always be inwards to accomplish awareness of one’s self. This has been inspired by the writings of both Kierkegaard and ‘Alī b. Abī Ṭālib. For example, Kierkegaard deals with themes ranging from ‘strengthening the inner being’, ‘preserving one’s soul in patience’ and ‘against cowardliness.’⁵⁰⁹ Equally, ‘Alī b. Abī Ṭālib talks about ‘backbiting and speaking ill of others’⁵¹⁰, ‘the transience of this world’⁵¹¹ and ‘death and taking lessons from it.’⁵¹² These themes almost compel one to reflect on one’s existence and the Internal Human Contract must be able to do the same.

Internal Dialogue: Lastly, the Internal Human Contract must be able to create an internal dialogue, a constant verbal and non-verbal exchange with one’s self. There should be a universal method in which one’s inner awareness can be translated into some form of communication or terminology by which one can measure one’s self. Even if the labels by which we identify our awareness are only initial and temporal, they provide the beginnings of a language that enable all individuals to contextualise and define their inner awareness. They may decide to develop or invent new modes of

⁵⁰⁷ Al-‘Ābidīn: *The Psalms of Islām*, pp. 284-286

⁵⁰⁸ Kant: *Metaphysics of Morals*, pp. 218-230

⁵⁰⁹ Kierkegaard: *Eighteen Upbuilding Discourses*, pp. ix-vii

⁵¹⁰ Ar-Razi: *Nahj al-Balāgha*, sermon 143

⁵¹¹ Ibid: sermon 63

⁵¹² Ibid: sermon 20

communication but a broad, universal form of communication is necessary to not only maximise accessibility to my framework but make it tangible to the individual. Indeed, in *Eighteen Upbuilding Discourses*, Kierkegaard stated that “this little book...is called ‘discourses’, not sermons, because its author does not have authority to preach, ‘upbuilding discourses’, not discourses for upbuilding, because the speaker by no means claims to be a teacher.”⁵¹³ He clearly intended the reader to take charge and create a meaningful discourse with God rather than being told exactly how to manage this conversation. In some respects, I agree with this attitude because it allows the reader personal freedom to engage in self-awareness. This precisely accomplishes my aim of generating internal dialogue with one’s self. Upbuilding cannot just occur to those that are unable to grapple with key moral concepts pertaining to the self. Therefore, I have identified our biological organs as identifiable symbols in order for this journey of personal reflection to begin for the realisation of human rights. These six attributes form the Internal Human Contract’s salient characteristics. I will now define and explain what this framework is, how these attributes manifest themselves within the framework and how it specifically relates to the implementation of human rights.

2.1 The Primary Aim of the Internal Human Contract: Biological Tools as Instruments of Identity

In light of the aforementioned six characteristics (accessibility, choice, structure, practicality, ethical reflection and internal dialogue), I argue that an effective framework by which we can better understand our selves begins from the manner in which we perceive our biological tools. By biological tools, I mean our natural bodily organs ranging from our eyes and ears to our hands and legs, a point inspired by Zayn al-‘Ābidīn and Kant. Why should our biological tools represent an effective entry point to ourselves? These tools are a natural part of us; they are our real physiological devices interconnected with each other and are under our power. They represent a reality for us insofar as they contribute to our physical make-up, our perception of ourselves and in relation to others; they are directly connected to the performance of our actions and others identify us through them. Thus, despite the fact that they are biological, they remain a fundamental part of our everyday existence.⁵¹⁴

⁵¹³ Kierkegaard: *Eighteen Upbuilding Discourses*, pp. ix-vii.

⁵¹⁴ Lisa Blackman argues that the notion of a “separate, singular body is itself a historical construction” (p. 35) and that “nature and culture are not two separate distinct entities but rather exist

Moreover, we can identify our biological tools such as our hands or eyes easily and instantly. They require no mediator, except our own recognition. We therefore can be epistemologically certain not only of their existence but of the way in which they function. This instant connection may make us feel lost without them and it is for this reason that our biological tools cannot be denied or ignored.⁵¹⁵ This helps satisfy point one of the six aforementioned attributes that my framework must be accessible to the layman and I would argue that our biological devices are a starting point to foster this accessibility. If we accept this presumption, we still must perceive our biological tools in a manner that allows them to connect to the self. This requires giving them an existence that is not purely biological but capable of being perceived in a non-rational manner. Is this feasible given that accessibility and practicality are key features of my framework?

I argue that it is possible because our instantaneous recognition of our biological tools enables us to think of them as an innate part of our existence. They are already playing a role in the performance of our actions, whether talking or moving, seeing or hearing. This means attaching a qualitative value to our biological tools to the extent that they possess a worth themselves. This worth gives authority to a particular tool which we must, at the least, consider in our day to day actions. This authority may not initially be rooted in any moral dignity but begins with a minimum relational existence with the self whereby the individual understands that his/her biological devices are an integral part in the performance of his/her actions.⁵¹⁶

The relationship between our body and our consciousness is not new; it has been explored before but not from the specific perspective of our biological tools. Lisa

in a complex relationality that is contingent and mutable" (p. 34). Blackman, Lisa., *The Body: Key Concepts* (Oxford: Berg, 2008).

⁵¹⁵ For examination of the relationship between our awareness and body, see: Snowdon, Paul., 'Persons, Animals and Bodies' in Bermudez, Jose Luis., Marcel, Anthony and Eilan, Naomi., *The Body and the Self* (Massachusetts: MIT Press, 1998), pp. 71 – 87; McDowell, John., *Mind, Value & Reality* (Massachusetts: Harvard University Press, 1998), pp. 359 – 385 and Chen, Cheryl L., 'Bodily Awareness and Immunity to Error through Misidentification', *European Journal of Philosophy* 19, 1 (2009), pp. 21–38.

⁵¹⁶ Mohanty has argued for a more holistic picture of our 'senses' stating that 'sensation, far from being a descriptive concept, is rather the product of the scientific theories of classical, physiological psychology. We do not have discrete bits of sensations – some of which we notice, others not. We perceive a meaningful complex structure within a field or setting, with its own "inner" and "outer" horizons, with intentional references to further possibilities of inner and outer explorations, to the "other side" and to what is beyond and so on.' Mohanty: 'Philosophy as reflection on experience' in *Essays on Indian Philosophy*, p. 13. I am precisely arguing that our biological tools must be viewed within this 'meaningful complex structure' of moral exploration.

Blackman has surveyed classical and current approaches to body studies but there is no mention of how specific biological devices contribute to the cultivation, formation and creation of rights.⁵¹⁷ Here, one finds that the traditional mind-body problem in philosophy (both Western and Islamic) dealt with either the dualism of the mind and body, interactionist dualism which posited a relationship between the two and monism, the view that either the mind or body constituted one single existence.⁵¹⁸ This is in addition to the religious and philosophical doctrines of the soul being the main subject of human existence and transcending the body to reach God.⁵¹⁹ These early debates developed into specific branches which dealt with reductionist theories pertaining to physicalism, the view that our consciousness was rooted solely in our physical make-up and various manifestations of this such as behaviourism and functionalism.⁵²⁰ On this side, the body became the sole subject and our mind, self or consciousness became minimised. At the other end of the spectrum, the phenomenological tradition developed, which emphasised our consciousness as a fundamental part of our existence and as the most significant way in which we can access God, the Spirit, the Other and/or Being.⁵²¹

The mind-body relationship developed specifically into body studies which Blackman argues, “the field of body studies has proliferated since the 1980s and 1990s, now existing as a transdisciplinary locus of enquiry.”⁵²² This transdisciplinary focus involved looking at the “human self [that] was not self-contained, individualised, clearly bounded and separate from others, but rather the borders and boundaries between self and other were considered porous and permeable.”⁵²³ This positioned the self as an entity capable of relating to the body, other people’s bodies and affecting the identity of other human

⁵¹⁷ For this survey, see: Blackman, Lisa., *Immaterial Bodies: Affect, Embodiment and Mediation* (London: Sage Publications, 2012), pp. ix – xxv and pp. 1- 26 and Snowden, Paul., ‘The Self and Personal Identity’ in: Shand, John., *Central Issues of Philosophy* (Oxford: Wiley-Blackwell, 2009), pp. 121 – 137.

⁵¹⁸ For a good summary of these approaches and debates, see: McGinn, C. ‘Can the Mind-Body Problem Be Solved’, *Mind* – New Series 98, 391 (1998), pp. 349–366.

⁵¹⁹ Hendrik Vroom’s book, *A spectrum of worldviews: an introduction to philosophy of religion in a pluralistic world* (Netherlands: Rodopi, 2006) provides an analytical account of this development, particularly in pp. 21 - 41 and pp. 117 – 153.

⁵²⁰ Physicalism, as a philosophical theory, still is fairly prominent and is very much linked to neuroscience. In a recent work, Daniel Stoljar analyses its continual influence in his book *Physicalism* (London: Routledge, 2010) and argues that “the prevalence of physicalism is part of larger currents in intellectual life in the twentieth century and after. For example, it is difficult to believe that the prestige of the sciences in intellectual culture had or has nothing to do with the popularity of physicalism among professional philosophers” (p. 4).

⁵²¹ See: Ricoeur, Paul., *Husserl: An Analysis of His Phenomenology* (Northwestern University Press, 2007) and Moran, Dermot and Embree, Lester., *Phenomenology: Critical Concepts in Philosophy, Volume 3* (London: Routledge, 2004).

⁵²² Blackman, Lisa., *Immaterial Bodies*, p. x.

⁵²³ *Ibid*: p. xiv.

beings.⁵²⁴ Others such as Ernest Becker have argued that the self actually is actually motivated by the fear of mortality. The frailness of our body leads to create beliefs, cultures and symbols in order to ignore or avoid the inevitability of death, known as “terror management theory.”⁵²⁵ Greenberg and Solomon have developed this and argued that,

“the body is a problem because it makes evident our similarity to other animals...”⁵²⁶ and so “in our mad frenzy to deny all that is animal, we may be robbing ourselves of half of our identity. The neurotic denies him-self or herself the most because he or she lacks the secure cultural anxiety buffer that we must wear to approach and embrace our animalistic tendencies”⁵²⁷ ...”by embracing the multitude of cultural meanings given to our body, we may be missing out on much of the pleasure that our physical bodies can provide us.”⁵²⁸

This view argues that the body is actually motivated by death (not life) and should, at the least, embrace that which is physically pleasurable. I am arguing for the opposite and something more specific in this thesis; the relationship between bodily organs and the self merits examination and moreover, we can view our organs as a force for positive meaning and moral development not mortality and death.⁵²⁹ I believe Zayn al-‘Ābidīn has provided a template for this relational existence in *Risālat al-Ḥuqūq*, which can be developed further to enable an individual to understand the link between his/her biological tools and his/her self. Zayn al-‘Ābidīn stated that the tongue, ears, eyes, hands, legs, stomach and private part had rights against the self. He further specified the

⁵²⁴ William James in his book, *What is an Emotion* (Radford: Wilder Publications, 2007), explicitly discusses the relationship between emotions and the body and how this affects the self. See pp. 1 – 30. This has also been explored by Nussbaum, Martha., *Upheavals of Thought: The Intelligence of Emotions* (Cambridge: Cambridge University Press, 2001), pp. 200 – 206 and pp. 645 – 75.

⁵²⁵ See: Becker, Ernest., *The Denial of Death* (New York: Free Press Paperbacks, 1997), chapters 1 and 2.

⁵²⁶ Goldenberg, Jamie L., Pyszczynski, Tom., Greenberg, Jeff and Solomon, Sheldon., ‘Fleeing the Body: A Terror Management Perspective on the Problem of Human Corporeality’, *Personality and Social Psychology Review*, vol. 4, no.3 (August 2000), pp. 200 – 218 at p. 214.

⁵²⁷ Ibid: p215.

⁵²⁸ Ibid.

⁵²⁹ Amongst the philosophers that have looked at the relationship between body and consciousness (and in a morally progressive light), are Mohanty who has argued that “...I am aware of myself in different dimensions: first as a way of concretely existing as lived body, orientated towards the world and the others; then as a person who has a body, and finally as a subject who is objectively conscious of his body as also of the world and the others.” Mohanty, J.N., ‘Philosophy as reflection on experience’ in Mohanty: *Essays on Indian Philosophy*, p. 15.

teleological functions of these devices expressing that there was a moral function to them which should be fulfilled (or an immoral function which should be avoided).

What I am advocating is a stage before devices possess rights and teleology. This stage is a mere relational stage that acknowledges the physical function of our biological tools. I will show that attaching moral values and a dignity to these devices can be accomplished but there must be a stage before this. A potential statement which can give effect to this is as follows: ‘my biological tools are instruments for my actions.’ This statement is purposefully simplistic to accomplish the primary goal of making the transition from our tools as mere biological parts to instruments of activity, which also satisfies point one and four of my six attributes in nurturing accessibility and practicality respectively. Thus, although research so far has dealt with the relational aspect between the mind and body (the initial part of my framework), it has not dealt with specific biological tools as forming intricate relationships with the self and has not deliberated on a practical entry point for the layman in order to nurture these very tools to enhance his/her consciousness and implement rights in wider society.

2.2 The Secondary Aim of the Internal Human Contract: Biological Tools as Instruments of Reflection

If we establish that our biological tools are instruments of activity, not just static parts, then we are acknowledging that they play a vital role in all our private and public actions. Whether we use our tongue to talk to people or use our hand to write, they are the link between what we intend them to do and the intended outcomes. The secondary aim of looking at this relationship is a subjective exercise in questioning our tools’ functions. We may intend for our tongue to talk but should that be its function? If we choose to use it in this way, which words should come out of our mouths? This is a reflection and examination exercise initiated by the individual himself/herself. It is purely personal because the individual is questioning the role his/her instruments play in his/her life. This stage is not necessarily meant to yield any moral outcome (and as such is amoral) but only a better understanding of how the individual uses his/her biological tools. It has been particularly inspired by the concept of *tafakkur* (reflection) which has been abundantly emphasised by ‘Alī b. Abī Ṭālib as well as the approach of Kierkegaard in Eighteen Upbuilding Discourses in order to make the reader reflect on his/her

actions.⁵³⁰ This has some similarities with the tradition of phenomenology⁵³¹ that emphasises systematic reflection to determine the essential properties and structures of consciousness and experience, specifically “lived experience”⁵³².

Often such techniques are only associated with spiritual masters⁵³³; however I would argue it is a practical technique which we employ everyday but to varying degrees. It could be from simply reflecting on what type of food we want to eat, how we wish to go about our day or examining our moral decisions. Whatever the mode of reflection, I am advocating that it should be a key tool to develop inner moral awareness. The technique of reflection can satisfy point four of my six attributes which emphasises the need for practicality and being able relate to our everyday experiences, whether these occur in times of happiness or distress.

During this process, a person becomes a traveller that encounters his/her own self, which is an enemy because it contains carnal desires that dissuade him/her from cultivating a meaningful moral identity. As Allāmah Tabatabāī, the Shī‘ī philosopher and jurist, states,

“it should be made clear that at this juncture and as a result of what the traveller witnesses in his soul, he may be taken over by pride and I-ness (*ananiyah*). He may encounter his biggest and staunchest enemy, which is nothing but his own carnal soul (*nafs*), as it has been pointed out in this tradition: “Your most ardent enemy is your carnal soul, which dwells between your two sides.””⁵³⁴

⁵³⁰ For example, ‘Alī b. Abī Ṭālib has said, “by means of pondering deeply, make your heart (*qalb*) aware and knowledgeable” showing the importance of reflection or meditation. Al-Mufīd, Muḥammad b. Muḥammad b. al-Nu’mān, *Amāli al-Mufīd* (Qum: Shaykh Mufīd’s Millienium World Congress, 1993), p. 208; Al-Tabarsi, Mīrza Ḥusayn al-Nuri., *Mustadrak al-Wasā’il wa Mustanbat al-Masā’il* (Qum: Ahlulbayt Institute, 1988), vol 11, p. 183; al-Kulayni, Muḥammad b. Ya’qub b. Ishāq., *Al-Kaḥfī* (Qum: Dar al-Kutub al-Islāmiyyah, 1985), vol 2, p. 54.

⁵³¹ Anthony Steinbock deals with these similarities in pp. 89 - 115 of his book (specifically referring to the mystical tradition in Islām), *Phenomenology and Mysticism: The Verticality of Religious Experience* (Indiana: Indiana University Press, 2007).

⁵³² Husserl, Edmund. *The Crisis of the European Sciences and Transcendental Phenomenology*. (Evanston: Northwestern University Press, 1970), p. 240.

⁵³³ For a overall summary of *‘irfān* and how masters of mysticism emerged in the Islamic tradition, see Mutahhari, Murtaḍa., *Understanding Islamic Sciences* (London: ICAS Press, 2002), pp. 89 - 143 and Shah-Kazemi, Reza., *Paths to Transcendence – according to Shankara, Ibn Arabi and Meister Eckhart* (Indiana: World Wisdom, 2006).

⁵³⁴ Tabatabāī, Sayyid Muḥammad Ḥusayn., *Kernel of the Kernel – Concerning the Wayfaring and Spiritual Journey of the People of the Intellect: A Shī‘ī approach to Sufism* – compiled and edited by Sayyid Muḥammad Ḥusayn Ḥusayni Tihrāni (Albany: State University of New York, 2003), pp. 54-55.

It is precisely the act of becoming a traveller, finding out one's habits and desires, that should result from this stage. Hence, in comparison to embracing the "carnal soul", as advocated by Greenberg, Goldenberg, Solomon and Pyszczyński, one may decide to combat it and regard it as an "enemy" to the self. This satisfies point two and five of the attributes of the Internal Human Contract, choice and ethical reflection, because a person is free to reflect on his/her existence independent of theological doctrines and begins to initiate a process of ethical reflection which improves his/her actions as both an individual and member of society.⁵³⁵

2.3 The Third Aim of the Internal Human Contract: Discovering Moral Norms through Experience

Considering that our biological tools are involved in physical activity and thus contribute to our lived experiences as human beings, an individual that engages in the aforementioned process of reflection is reflecting on an all-inclusive experience. This means he/she will look at his/her physical conduct, desires, motivations and reasons which encompass his/her fullest cognitive and non-cognitive faculties as a human being. For example, by reflecting on how he/she used his/her tongue on a particular day, he/she would have to reflect on how much he/she talked (a physical activity), what he/she spoke (his/her intelligible language) and why he/she used particular language (motivations). All of these internal and external faculties actually cover several rational and non-rational tools of a human being from intellect and intuition to emotions, passions and physical activity. What can happen during this process of reflection is an experiential discovery of norms i.e through an individual's all-inclusive experience using his/her biological devices, he/she obtains an understanding of the moral norms, which time and time again, drive his/her conduct. I would like to illustrate this by way of an example.

⁵³⁵ Nasīr al-Dīn al-Tūsī has argued that once a person has made a firm and sincere intention to gain knowledge of himself/herself, he/she must "repent, abstain, practice poverty, be self-disciplined, scrutinise himself and be God-fearing." The classical text of Tūsī serves to show that forming and acquiring traits such as sincerity and self-scrutiny are crucial in the process of reflection. Tūsī, Nasir al-Din., 'The Attributes of the Noble' (Awsaf al-Ashraf), *al Tawhīd Islamic Journal* vol XI, No. 3 & 4, <http://www.al-Islām.org/al-tawhīd/awsaf/>, chapter two (accessed 22nd December 2012).

Take John who defends his family with a knife from a thief – he is experiencing an all-inclusive human experience of reasoned choice, aggression, love and his own dignity. The first aspect here is that he is discovering his human dignity, his own worth, the honour of defending his family and the need to exact justice not merely through the mind but through his heart, feeling, intuition and love. All of these processes are dialectically and collectively informing his decisions. He realises that he has used his hand in a manner intended to defend himself and his family, though one of the possible outcomes may be the death of the thief or even himself and his family members. Though he is presented with little choice, his hand becomes the key instrument in his activity to defend his house and by using it in a particular way, he can become conscious of how he has used it, what the instrument is capable of and his motivations behind picking up the knife.

Through this inclusive human experience with the entry point as the hand, John is able to discover what dignity and life mean to him, the moral difference between himself and the thief and arguably the most moral way to defend his family. Here, John is able to use his experience to discover moral norms that are so fundamental to his humanity. Not only does it take into account both rational and non-rational modes of behaviour, which can be a contentious issue for philosophers in defining human dignity and what is ‘good’,⁵³⁶ but such an experience can occur on a day to day basis in ordinary situations. Whether one is walking to the supermarket, conversing with a friend or having an argument with someone, his/her biological tools are in motion and at every instance, there is a collective interplay between his/her biological tools and his/her feelings which allow that person to discover his/her own worth in that situation and the type of morals he/she has used. What is important here specifically with regards to my framework is that the entry points of one’s biological devices as tools for ontological discovery should be made known to a person. This fosters the process of reflection expressed in stage two of the Internal Human Contract and also shows that our biological devices can be these very entry points for discovering moral norms. This satisfies point six of my six foundational attributes of my framework, internal dialogue, which emphasises that there should be a set of coordinates which precipitate this mode of self-discovery.

⁵³⁶ Taylor argues this is the most fundamental problem today amongst philosophers in defining human experience (and accordingly coming to an understanding of the ‘good’). See pp. 3 – 110 and pp. 111 – 211 in Taylor: *Sources of the Self* – particularly the tension between postmodern, modern and classical trends in philosophy regarding empiricism, naturalism and intuitionism.

Therefore, the discovery of moral norms and moral worth are significant at this stage because an individual has made a transition from mere acknowledgement of his/her biological tools as instruments of activity to reflecting upon their functions and now, the discovery of moral norms in relation to these very tools. Here, teleology can be attributed to one's biological devices precisely because the appropriate manner or goal in which to use these devices has arisen from the person himself/herself. One may attach an immoral or moral usage to his/her devices based on his/her experience and this is a decision that the individual must make. It is entirely possible that a person may be satisfied in destroying things with his/her hands, rather than creating things with them but what has significantly happened up until this decision-making point is the process of acknowledgement, reflection and discovery through his/her biological tools. At the least, this process has initiated greater self-awareness in an individual than before and it would be reasonable to argue that minimally, an individual would think carefully what his/her tools are capable of, as instruments of activity. This would result in a personal, inner growth within the individual as to who he/she is and what kind of norms he/she is subscribing to in life.⁵³⁷

This minimal relationship has increasingly been argued in recent years as an instinctual pull to morality, a point though clearly made by Kant, previously in the *Groundwork*.⁵³⁸ For example, Besser-Jones argues our basic relationship to that which is moral is a "sense of duty", as if to be "pulled by morality: to feel we should do the right thing."⁵³⁹ In fact, what is interesting is not that "we should do the right thing" but rather to seek out a justification for moral requirements. She states, "if there is a justification for moral

⁵³⁷ Whitehead has interestingly argued that the purpose of philosophy is to interpret or to understand our experiences. He says, "the elucidation of immediate experience is the sole justification for any thought." (Whitehead, Alfred North., *Process and Reality*, Corrected Edition, ed. Griffin & Sherburne, New York: The Free Press, 1978), p. 4. Hence, the idea of making sense of our experiences through the use of our biological tools and even codifying our behaviour can be one of the main tasks of philosophy. For further elaboration on the goal of philosophy, specifically in the light of Whitehead, see Wood Jr, Forrest., *Whiteheadian Thought as Basis for a Philosophy of Religion* (University Press of America, 1986). And for a specific deliberation on the role of experience in philosophy, see: Mohanty, J, 'Philosophy as reflection on experience', pp. 1-17.

⁵³⁸ Kant argued that "it would be easy to show how common sense, with this compass in its hand, knows very well how to distinguish good from bad, consistent with duty from inconsistent with duty. To do this it doesn't have to be taught anything new; it merely needs (Socrates-fashion) to have its attention drawn to the principle that it already has; and thus we can see that neither science nor philosophy is needed in order to know what one must do to be honest and good, and even to be wise and virtuous. That's something we might well have assumed in advance: that the knowledge of what every person is obliged to do (and thus also what everyone is obliged to know) is everyone's business, even the most common person's." (Kant: *Groundwork*: p. 19)

⁵³⁹ Besser-Jones, Lorraine., 'Personal Integrity, Morality and Psychological Well-Being: Justifying the Demands of Morality', *Journal of Moral Philosophy* 5, (2008), pp. 361–383, p. 361.

requirements (that is, a solid explanation of why they hold an overriding normative status), then we should not deny them this status. Thus the first step in resolving this practical problem of alienation and motivation is to seek out a justification of moral requirements.’⁵⁴⁰ She argues this is significant because understanding our moral obligations results in psychological well-being:

“Consider, for a moment, some of the most uncontroversial moral requirements: do not harm innocent people; do not lie, cheat or steal; do not break promises absent good reason; help others when you can. These are the rules that, when followed, generate the specific sort of positive social interaction that has been proven to be essential to psychological well-being. They will enable people to develop trusting bonds, to be respected and to respect others. They will generate stable patterns of expectations and interactions. They will provide the foundations for deeper relationships to develop and flourish. These are the characteristics of positive social interaction, and we have every reason to think that interactions between those that are committed to these sorts of guidelines will be of this nature. Of course, this requires a genuine commitment to morality by all parties; without such a commitment interactions would lack the mutuality and reciprocity proven to be critical to them.’⁵⁴¹

This paragraph is crucial in not only giving weight to my original argument in this chapter that fostering a genuine commitment to morality (through a particular framework) can support the idea of well-being, meaningful identity and positive growth in both an individual and society. This goes back to Charles Taylor’s key point about how much contemporary philosophy has ignored our fundamental moral intuitions,

“...much of contemporary philosophy has ignored this dimension of our moral consciousness and beliefs altogether and has even seemed to dismiss it as confused and irrelevant...we are dealing here with moral intuitions which are uncommonly deep, powerful and universal. They are so deep that we are tempted to think of them as rooted in instinct, in contrast to other moral reactions which seem very much the consequence of upbringing and education. There seems to be a natural, inborn compunction to inflict death or injury on another, an inclination to come to the help of the injured and endangered. Culture and upbringing may help to define the boundaries of the relevant

⁵⁴⁰ Ibid: p. 362.

⁵⁴¹ Ibid: p. 370.

'others' but they don't seem to create the basic reaction itself. That is why eighteenth-century thinkers, notably Rousseau, could believe in a natural susceptibility to feel sympathy for others.”⁵⁴²

Here, I am arguing for a more positive relationship between the use of our biological instruments and our perception of morality. It is precisely through the usage of our biological devices that we can encounter this minimal relationship to our “moral consciousness” but more than that, we can discover the meaning behind the norms we encounter so as to produce “stable patterns of expectations and interactions.” The continual problem of how to discover such norms or how to tackle the issue of a lack in motivation or ‘genuine commitment’⁵⁴³ to understand them can potentially be resolved by developing the link between our natural bodily devices and our experiences. This accomplishes point three of the Internal Human Contract which is to offer a structure or method by which a human being can develop moral norms; I have argued that our natural bodily devices offer us this structure.

2.4 The Fourth Aim of the Internal Human Contract: The Construction of Internal Duties

During the process of discovery as above, an individual can grasp the reasons and motivations which drive his/her behaviour on a day to day level. There may be a realisation that these norms repeat themselves and help create the teleological functions for one’s biological organs. It is at this point that a person may create duties and responsibilities which he/she performs daily in order to accomplish the goals he/she sets for himself/herself. These duties are necessary to give effect to the norms that the person discovers. What I am advocating is a very specific type of internal regulation which creates duties in relation to his/her biological devices. Creating duties in one’s life, such as towards one’s family, work or friends, is arguably instinctual and frequent but as per my framework, I believe there is a stage before this which can nurture duties to the self.

I am arguing for the idea that if an individual sets himself/herself duties then these duties should first and foremost be formed in relation to his/her biological tools; there would have been a basic acknowledgement of the worth of his/her biological devices as

⁵⁴² Taylor: *Sources of the Self*, pp. 4-5.

⁵⁴³ Besser-Jones: *Personal Integrity*, p. 370.

instruments of activity and that these play a vital role in giving rise to his/her actions. His/her actions may be moral or immoral, progressive or destructive but if the reflection yields greater moral worth in himself/herself (which I argue would be a natural step), then that individual can formulate duties to his/her biological instruments and attach a specific teleological direction for them which would internally regulate his/her motivations and usage of his/her instruments.

I believe Zayn al-‘Ābidīn’s deliberation on the rights bodily organs have over the self and Kant’s duties to oneself offer a foundational starting point to formulate these internal duties. However, they can be varied to suit the individual. So, a person can say ‘I owe a duty to my hand in that it should create things, not destroy things’ or that ‘I owe a duty to my ears to hear that which is pleasing, not displeasing.’ Here I am providing a universal framework in order to access the self via a person’s biological tool’s in order to create a reflective and interactive relationship between a person’s tools and his/her self. The formulation of these rights or duties towards one’s biological organs is subjective insofar as duties and the moral content of these duties may be ascribed very personally, varying in detail, type, language, time period in which the duty is performed, motivation and intended outcome. Millikan has extensively deliberated on how human beings construct language, particularly in relation to the body which is known as biosemantics.⁵⁴⁴ She has also discussed the teleological nature of the body, not in terms of claiming or understanding rights but rather in questioning what the proper function of the body is in relation to our emotions and desires. Millikan argues that the “capacity to develop and to act on desires would seem to have been selected for only because desires are sometimes fulfilled and, of course, sometimes do represent means to fulfilment of our biological interests.”⁵⁴⁵ Moreover, she states that,

“body organs and instinctive behaviours also ‘have functions.’ As is the case with both tools and language devices, not every token of such a device succeeds in serving its ‘own’ or ‘proper’ function. And we can imagine a person intentionally using such a natural device, say one of his own organs or reflexes, to serve a purpose that does not accord with its proper function...and as is the case with language devices but not with tools, these natural devices have not literally been ‘designed’ by someone to serve their

⁵⁴⁴ For further information on biosemantics, see: Millikan, Ruth G., ‘Biosemantics’, *The Journal of Philosophy* 86, 6 (1989), pp. 281 – 297.

⁵⁴⁵ Millikan, Ruth G., *Varieties of Meaning - the 2002 Jean Nicod Lectures* (MIT Press, 2006), p. 9.

functions. The ‘functions’ of these natural devices are, roughly, the functions upon which the continued reproduction or survival has depended.”⁵⁴⁶

Millikan’s exploration of how we assign functions to our bodily organs gives weight to my arguments in this chapter that the Internal Human Contract can offer a way in which we can assign duties to organs within the context of human rights. Millikan does not believe that the teleological functions of these organs has been designed (and have actually evolved within the context of natural selection) and this is where a key difference emerges with the Internal Human Contract and the worldview of Kant and Zayn al-‘Ābidīn. Kant believed curbing our immoral desires had a function of increasing the moral worth of the individual whilst Zayn al-‘Ābidīn argued our specific bodily organs had a designed purpose which was eventually meant to instil *taqwā* (God-consciousness) in an individual. Thus, I advocate the individual finding a greater teleological purpose in their bodily organs which contrasts with Millikan’s somewhat reductionist approach and accomplishes points five and six of the Internal Human Contract which are positive ethical reflection and internal dialogue that may help the self to construct a vision of transcendence.

2.5 The Final Aim of the Internal Human Contract: Liberation

When a person has reached the stage of cultivating his/her identity by constant self-awareness of his/her biological tools and the duties owed to them, that person may have the ability to tap into his/her common human identity. This represents the final aim of my framework which I have called ‘liberation.’ This stage builds from the previous stage where one has formed duties to one’s biological devices. The rights our bodily organs impose on us offer us a way in which we can reflect on the norms we hold dear in our lives and how we wish to live our life. By reaching this point, we may be able to tap into the common norms and values all human beings possess i.e we may begin to understand the concept of humanity itself, where it comes from and how it should function. It is arguably the ontological root of all human beings, their source of origin and the most appropriate moral attributes for them.⁵⁴⁷ Within the paradigm of human

⁵⁴⁶ Millikan, Ruth G., *Language, Thought, and other Biological Categories* (MIT Press, 2001), pp. 2-3.

⁵⁴⁷ Taylor’s ‘web of interlocutors’ is a similar concept; the idea that our morals come from a deeper and shared space of upbringing and our environment which results in common notions of ‘good’ – see Taylor: *Sources of the Self*, chapter 2. However, I am further arguing for a liberation of that very environment which leads to the ontological and/or transcendental source of this “web.”

rights, moral agents can be more acquainted with the source of human rights and the specific manner of their implementation.

What I am advocating here is a transition from reflecting on the purpose of our biological organs to formulating concrete values about one's existence and the way one should live. The transition enables an individual to form a set of beliefs about humanity itself, which becomes the code of his/her existence. They may only result from a particular level of epistemological certainty but they offer a deeper, intrinsic understanding about human beings and perhaps existence itself. Such a transition may occur through thinking about the common traits, values and duties which all human beings possess through the performance of their biological devices or it may occur through a process of intersubjectivity i.e of rationally weighing evidences and opinions amongst a group of people. There may be other non-rational means such as a heightened level of intuition but I think this becomes a personal endeavour on the part of each person. Arguably it may involve a more supra-rational understanding of our origins which is metaphysical but at the least, the Internal Human Contract gives an opportunity to any individual to compare his/her values to others, to see the commonness of others' duties to his/her own and how this commonness may point to something deeper about humanity itself. It is this basic mode of enquiry which can be initiated upon the choice of every individual through the Internal Human Contract framework. I have called this step 'liberation' because a human being becomes liberated from the constraints of his/her self and biological tools to a deeper level of awareness that projects his/her self in front of the 'Other.'

Kierkegaard, 'Alī b. Abī Ṭālib, Kant and Zayn al-ʿĀbidīn considered the 'Other' to be God though in different ways. For Kierkegaard, God was the Being who guided us and welcomed us back through our period of difficulty in the world: "...just as it is the same God who, after having led us by his hand through the world, draws back his hand and opens his arms to receive in them the yearning soul. Amen!"⁵⁴⁸; for 'Alī b. Abī Ṭālib, God was the highest truth to be known, "the inner knowledge of Allah, Glory be to Him, is the highest of knowable truths"⁵⁴⁹; for Kant, God did not have a place in philosophy but appeared to occupy a core part of one's personal life:

⁵⁴⁸ Kierkegaard: *Eighteen Upbuilding Discourses*, p. 29.

⁵⁴⁹ Rayshahri: *The Scale of Wisdom*, no. 4072, p. 707. 'Alī b. Abī Ṭālib further elaborates on the conception of God in Nahj al-Balagha as Being that has no like: "Praise is due to Allah whose worth cannot be described by speakers, whose bounties cannot be counted by calculators... the foremost in

“The idea of God ought to fill people with reverence every time they hear His name spoken. And it should be pronounced but seldom and never lightly. The child must learn to feel reverence towards God, as the Lord of life and of the whole world; further, as one who cares for men, and lastly as their Judge.”⁵⁵⁰

For Zayn al-‘Ābidīn, God is the one who indicates to us and we should know him: “I have attained knowledge of You through You, and You are the One Who indicated to me to Yourself and called me to Yourself, and were it not for you, I would not know who You are.”⁵⁵¹

Whilst the above conceptions of God may differ slightly amongst the four authors, God was the central Being in their lives and through Him they became liberated and found true solace. The four texts of this thesis, therefore, clearly indicate on finding happiness in God. What I am advocating in the Internal Human Contract is the free choice that any human being has to traverse a path of reflecting on the purpose of his/her biological devices, his/her moral worth and how this may lead to a greater understanding of his/her existence and the implementation of human rights in society. Such a person may arrive at the notion of God, a different conception of reality or no conception of reality. However, if the Internal Human Contract has propelled an individual to think deeply about the origin of his/her norms and the nature of his/her existence, then my framework has accomplished points two and six i.e choice and internal dialogue. This is because the Internal Human Contract has fostered a freer type of ethical reflection through one’s biological devices initiated by personal choice and given the opportunity for an individual to formulate his/her own internal dialogue with whatever conception of transcendence he/she arrives at.

religion is the acknowledgement of Him, the perfection of acknowledging Him is to testify Him, the perfection of testifying Him is to believe in His Oneness, the perfection of believing in His Oneness is to regard Him Pure, and the perfection of His purity is to deny Him attributes...” (*Nahj al-Balāgha*, sermon 1, pp. 21 - 23).

⁵⁵⁰ Kant, Immanuel., *Kant on Education* (Ueber Paedagogik), trans. Annette Churton, introduction by C.A. Foley Rhys Davids (Boston: D.C. Heath and Co., 1900), p 107. Kant elsewhere explicitly says that the idea of God’s love is attainable through reason alone, see: Kant, Immanuel., *Religion within the Limits of Reason Alone*, trans. with an Introduction and Notes by Theodore M. Greene and Hoyt H. Hudson, Harper Torchbooks/The Cloister Library (New York: Harper & Row, 1960), p. 110.

⁵⁵¹ Rayshahri: *The Scale of Wisdom*, no. 4095, p. 710.

Therefore, the stage of liberation involves moving from I-ness to Otherness which results in a kind of confidence and happiness about the norms a person has discovered and the very source of these norms. At this point, a more objectified perception of existence may take place which inspires a sense of commitment to the very source of transcendence a person discovers. In theological terms, this may be translated as ‘believing’, ‘testifying’ or ‘taking an oath’ in something which you believe to be real, certain and central to your existence. Whilst a person is free to do this, the Internal Human Contract allows a person to decide on how he wishes to describe and testify to his/her liberated experience. As such, there is no theological expectation at this stage.⁵⁵² What is significant is that by reflecting on the use of our bodily organs, we may develop the ability recognise the source of rights, the kind society we wish to live in and how this should be directed by a greater conception of existence.

It is precisely the self’s longing for an attribute, instinct, notion or Being that is beyond itself and which liberates it that forms this last part of my framework. Arguably, this last part of my framework reflects a more mystical approach – certainly a process advocated by Ali b. Abi Taib, Kierkegaard and Zayn al-‘Ābidīn and perhaps to a lesser degree, Kant.⁵⁵³ This kind of approach which thrusts the self as the central entity in one’s life, capable of being accessed through one’s biological organs offers a possible framework to understand our existence. Taylor has in fact argued that such frameworks are important as they “attempt to define our ontological reality”⁵⁵⁴ and give us a bearing and direction for our spiritual experiences. It is up to the individual to decide how often he/she wishes to reflect on the use of his/her biological devices and what this means to

⁵⁵² In the Islamic tradition, taking the *shahādah* (witnessing) is the foundation of becoming a Muslim, i.e. one who submits to God with certainty and knowledge. The *shahādah* is: “There is no God but Allah, and I witness that Muḥammad is the messenger of Allah” (for the Shī‘a, an additional statement is said which is, ‘I bear witness that Ali is the successor of Muḥammad’). For information on the shahadah, see: Gimaret, D., “Shahadah”, *The Encyclopedia of Islām*, 2nd Edition, vol. 9, (Leiden: Brill, 1997), p. 201. In the Christian tradition, the acceptance that one is a sinner, that God loves His creation and that he/she needs to be saved by Jesus Christ are crucial to becoming a Christian and form the core parts of the baptism ceremony. See: Marty, Martin E., *Baptism: A User’s Guide* (Minneapolis: Augsburg Books, 2008).

⁵⁵³ Interestingly, Bielefeldt argues that Kant’s philosophy did acknowledge that understanding a human being’s moral consciousness could not be done by reason alone. She argues, “Whereas in many cases we have different options to express insights in a direct or an indirect way, the indirect mode of representation is *indispensable* whenever it comes to rendering something “supersensible” accessible to the human mind. That is, we cannot reflect about ideas of reason to which no direct intuition can be given, unless by means of symbols. Symbolic representation therefore is of crucial importance especially in *practical philosophy* because practical philosophy as a whole is based on the human being’s ‘supersensible’ moral vocation.” Bielefeldt, Heiner., *Symbolic representation in Kant’s practical philosophy* (Cambridge: Cambridge University Press, 2003), p. 270.

⁵⁵⁴ Taylor: *Sources of the Self*, p15

him/her. The primary aim of the Internal Human Contract is at the least to foster a minimal reflective relationship between one's organs, the duties he/she owes to them and how this helps an individual understand and implement human rights successfully.

2.6 Situating the Internal Human Contract within the Islamic-Western Human Rights Discourse

The Internal Human Contract has comprised of five stages – 1) biological tools as instruments of activity, 2) biological tools as instruments of reflection, 3) discovering moral norms through experience 4) the construction of internal duties and 5) liberation. These stages are grounded by six core attributes - accessibility, choice, structure, practicality, ethical reflection and internal dialogue. Taken as a whole, the Internal Human Contract offers a possible entry point to access the self through one's bodily organs and this allows a human being to reflect on how he/she is using his/her organs, their purpose, how their usage informs his/her identity, what kind of duties would be appropriate to create to use his/her organs more effectively and how this may lead to a discovery of core norms for himself/herself which may give that person a vision of the source of these norms. Thus, the Internal Human Contract combines ethics, philosophy, law and mysticism which provides an interdisciplinary method by which the self can be analysed and practically actualised in society. The various facets of the Internal Human Contract have been directly inspired by the four texts analysed in this thesis and therefore shows the creative value of comparing and upbuilding specific ideas from these texts.

I argue that the Internal Human Contract provides a viable framework for the self to be used in the Islamic-Western human rights discourse. As explained in chapter one, the discourse did not address the following factors of human behaviour – namely, human motivations, desires, empowerment and identity. These are all crucial for the implementation of any human right because without a person being able to understand why he/she has rights, what to do with them, how to regulate them and apply them correctly, any legal regime, Western or Islamic, which attempts to enforce these rights may fail. This is because the source of human rights, which I have argued to be the self, is the crucial starting point to understand the nature of these rights. If the self is not factored into this discourse in a meaningful way, then human rights become artificial legal constructs which are not concerned with human motivations. Therefore, the

Internal Human Contract offers a way in which these very motivations can be understood and harnessed by reflecting on the use of one's biological organs. This shifts the paradigm of human rights from a social contract worldview to an internal or personal contract worldview which looks at human rights as stemming from the interaction between rights and the self rather than rights between human beings. As such, the Internal Human Contract can be placed within the discourse in the following ways.

Firstly, it is able to tackle the human desires and motivations which can be an obstacle for implementing human rights in the world. As I have outlined in chapter one, the root of violence and conflict stems from a lack of control of one's temperament. If human beings are constantly empowered to act and claim their rights in our period of postmodernity, then there has to be a counterbalance which allows the human being to reflect on what he/she is claiming for. Thus, the Internal Human Contract is able to address this overlooked area of the discourse by advocating a relationship between rights and one's organs.

Secondly, the Internal Human Contract can add a new set of rights called 'rights to the self' within existing human rights legislation. Even if this is a kind of soft law, it shows that there are a set of rights which human beings can learn in order to nurture the way in which they use and create rights. It gives confidence to human beings to develop rights to their organs which can enhance their personal and public lives. This also accomplishes the task of human rights education which the majority of scholars in chapter one advocated.

Thirdly, the Internal Human Contract encourages understanding one's identity and their place in society by reflecting on the purpose of their organs. It can nurture a deeper enquiry into one's existence and this make a human being more than a collector of rights. Rather, he/she becomes a reflective person, constantly engaged with his/her self and how he/she could be a contributing member of society.

Fourth, the Internal Human Contract can be a uniting framework for Islām and the West in harmonising the conflicts explained in chapter one. This in itself would be a significant contribution to the discourse which is rooted in conflict and misconception. The self and its relationship to one's biological tools could offer a way in which both worldviews can agree on an entity which is universal, crucial to the impenetation of

rights, not bound by theological doctrines and can be applied by any human being, regardless of his/her religion, race or gender.

Fifth, the Internal Human Contract can be codified in a simple form in order to help human beings reflect on the nature of human rights. The purpose of this thesis is not to codify the Internal Human Contract but further research in this area is briefly hinted at in the conclusion. Nonetheless, if the Internal Human Contract can be put in a form and language that is accessible to any human being than it can become a useful tool to prevent conflict in society and enhance our understanding of how to implement human rights. In this way, the Internal Human Contract could shift the paradigm of human rights from a social contract system to one that is orientated towards the self.

3. Conclusion

In conclusion, this chapter has attempted to lay the foundations for the Internal Human Contract and specifically the appropriate entry point to the self. By entry point, I mean a way in which one can understand and be aware of the self. I have identified our biological devices as *the* entry point precisely because these devices are natural in human beings, can be easily identified and have a crucial link between our thoughts and the performance of our actions. The identification of biological tools as an entry point to the self has so far not been considered in the Islamic-Western human rights discourse. As such, our biological tools can be a new way of giving us access to the self in order to create and discover rights through ethical reflection.

We discover norms everyday but arguably, the problem is we may not know how to formulate duties we understand to these norms. This is where formulating rights to one's biological organs become crucial in order to nurture greater moral awareness in an individual. The formation of the duties, very much inspired by Zayn al-ʿĀbidīn and Kant, has the ability to create a set of coordinates for a person to assess their actions in relation to their biological devices such as the hand, tongue, leg or stomach. This is important in creating an internal self-regulation which an individual initiates and nurtures. The final stage of my framework is liberation, the notion that the constant repetition and understanding of one's duties to one's self through one's biological tools may lead to a process of understanding the very root of these duties and norms. It is up

to the individual to discover what this root or source is which may give him/her a vision of transcendence.

Together these stages constitute the Internal Human Contract so that the layman can access his/her self in a free, clear and accessible manner through his/her biological tools and tackle the problem areas which the Islamic-Western human rights discourse does not address - namely desire, empowerment and personhood. Echoing my point in chapter one, my contention has been that the current human rights culture has actually fostered a more autonomy based understanding of what the self is thereby creating an outward notion of the self that demands or expects rights. The notion of biological tools as the entry point to the self is intended to create an inward notion of the self that creates responsibilities to one's natural devices. This hopefully would create a climate of inner responsibility thus carving out a role for the self in the Islamic-Western human rights discourse.

Conclusion

In conclusion, this thesis has sought to explore the role of the self in Islamic-Western human rights discourse through a comparative and creative analysis of four texts, Eighteen Upbuilding Discourses, Nahj al-Balāgha, The Metaphysics of Morals and Risālat al-Ḥuqūq. My main argument has been that the Islamic-Western human rights discourse needs to be significantly broadened to look at rights from the lens of the self. This lens enables a deeper analysis of human desires which are explicitly linked to claiming and implementing rights. Without considering the intimate relationship between rights and the self, we would arguably be ignoring the root of the human rights discourse.

As such, the four texts have provided me with a way in which the self can be defined, positioned as an observable entity within ethical dilemmas and given a practical framework through the relationship between one's biological organs and the duties one owes to them. Eighteen Upbuilding Discourses and Nahj al-Balāgha have laid the foundational meanings of the self whilst The Metaphysics of Morals and Risālat al-Ḥuqūq have laid the seeds for a practical framework for the self. These four texts have enabled me to construct my own framework entitled the 'Internal Human Contract', which marks the creative contribution of this thesis. My framework explicitly builds from the aforementioned ideas present in the texts in order to develop a notion of rights that is related to the self. It is here that I argue a valuable role for the self can be carved within the Islamic-Western human rights discourse because the Internal Human Contract is a framework that can be applied by any individual and recognised as a kind of personal legal system.

The roots of this framework stem from combining philosophy, metaphysics, law and theology which represents the interdisciplinary methodology of Kierkegaard, 'Alī b. Abī Ṭālib, Kant and Zayn al-ʿĀbidīn in their texts. Thus, both in style and substance I have intended to show how these four texts can break the oppositional discourse between Islām and the West and offer a way in which philosophical ideas can be amalgamated to combat contemporary issues – in this case, human rights. In my view this would be an attempt to answer the kind of *telos* human beings may need today in a deconstructionist modern environment that leaves the self without a cohesive view of the cosmos.

By attaching rights to the self through one's biological organs, a human being may be able to develop greater self-awareness, improved moral conduct and a vision of transcendence, regardless of his/her religious background. The self, therefore, can be a unifying and universal entity that brings Islām and the West closer together as well as being an accessible entity for all human beings. It is also hoped that my thesis contributes further research on Eighteen Upbuilding Discourses, Nahj al-Balāgha, The Metaphysics of Morals and Risālat al-Ḥuqūq in both Islamic and Western scholarship. I have attempted to demonstrate the creative potential of these four texts not just by their own merit but in particular, the value in comparing specific ideas together. This would help to show how the Shī'ī-Muslim philosophical tradition can positively impact the Western philosophical tradition and vice versa.

There are some final implications for the ideas discussed in this thesis and in particular, the application of the Internal Human Contract. These would of course require further research but they warrant a brief mention only if to show the continuing potential of the Internal Human Contract to be applied in areas beyond those discussed in this thesis.

International Law

Although I discussed the Islamic-Western human rights discourse in chapter two, this was to provide a necessary context to the self in for it to be practically applied within the scope of rights. I confined my discourse to the root of human rights, the self and did not pursue an explicitly legal enquiry where I would show how the Internal Human Contract could be applied in the machinery of international law. However, there are avenues by which the Internal Human Contract could operate within international legislation as a kind of soft law mechanism by which human rights could be reflected upon and implemented at a personal level.

The idea of international law wasn't just conceived as a private legal system that would operate through courts and government machinery. Dixon and McCorquodale argue international law is a system, "by which legal rules are created in order to structure and organise societies and relationships. It acknowledges the influence of political, economic, social and cultural processes upon the development of legal rules."⁵⁵⁵ These

⁵⁵⁵ Dixon, Martin & McCorquodale, Robert., *Cases and Materials on International Law* (Oxford: Oxford University Press, 2003) p. 1.

influences make international law multifarious and extend its ability accept sources of law that are non-positivistic in nature. This is evident when we examine the sources of international law which are outlined in article 38 of the Statute of the International Court of Justice 1945: international conventions (also known as treaties), international custom, general principles of law recognized by civilised nations and finally, judicial decisions and teachings of highly qualified publicists.

What is intriguing about these sources is they reflect more the *source of our obligations* rather than formal, positivistic sources of legal content.⁵⁵⁶ International custom is a source of our obligation because the obligation arises out of our political and social attitude. General principles of civilized nations are a source of obligations because they reflect good practices of a government and people of a particular society. But if they represent the source of our obligations, they reflect something much wider than hard and soft law. They reflect our ethics, attitudes and culture. These are variables, always changing with human progression or regression. With such flexibility within the sources of international law, there is a huge scope for manipulation and lack of enforcement. This is where I would argue the Internal Human Contract can become a tool of international law because it can ably fit within its ethical language and flexible machinery. The Internal Human Contract could help implement or nurture human rights around the world since this is one of the prime objectives of international law, an argument advanced by Lauterpacht.⁵⁵⁷

Specifically, the Internal Human Contract could be used to reform criminals and young offenders as a technique by which to evaluate the use of their biological organs. By a criminal understanding the kinds of duties he/she owes to his/her biological organs, a more positive use of these organs may result. This reform would have to be implemented as a technique or mode of training as part of the rehabilitation process in prisons and communities. This may be of particular value to those that are not attached to a religion or particular moral code but still intend to introspect on themselves or be required to do so.

⁵⁵⁶ See Fitzmaurice, G., 'Some problems regarding the formal sources of international law', *Symbolae Verzijl*, (1958), p. 153, reproduced in Koskenniemi, M. (ed), *Sources of International Law* (Aldershot: Ashgate, 2000) and Weil, P., 'Towards relative normativity in international law', *American Journal of International Law* 77, (1983), pp. 413 – 442.

⁵⁵⁷ See Lauterpacht, H., *International Law and Human Rights* (London: Stevens and Sons Ltd, 1950), pp. 68-72. Dixon and McCorquodale also argue that state universal standards 'would not be achieved if states are left to its own devices', op. cit. p. 125.

Here, the Internal Human Contract could shift the paradigm of human rights from a social contract system to one that is orientated towards the self. The golden rule has been a key influence for human rights as it has inspired the creation of legal and social relationships that consider respecting the rights of other human beings as paramount.⁵⁵⁸ This is based on the notion of “do unto others as you would have them do unto you.”⁵⁵⁹ This principle has influenced the kind of contracts and relationships we form with each other since we are required to consider how we wish to be treated whenever we deal with another person.⁵⁶⁰ The kind of contracts that have developed from the golden rule are rooted in moral doctrines, religious and/or theological doctrines, moral theories emphasising various forms of rationality and conceptions of the ‘good’ and more recently, human rights legislation.⁵⁶¹

In the case of moral doctrines, the contract or commitment is to a moral norm applicable to all, which can be independent of revelation. It is essentially a contract of genuine commitment to the golden rule for one’s personal and public life outside of the domain of religion. In the case of religious and/or theological doctrines, the contract is exclusively with a Supreme Being or Deity (which may even take the form of transcendental and earthly manifestations). So, in Islām and Christianity, one’s submission is to God and particularly in Islamic theology (*kalam*), this is codified as *tawhīd* (Oneness of God). Here, a personal contract is made or oath between the believer and God. Though the golden rule is equally intertwined with God, who is the Source and representation of morality itself⁵⁶², the commitment is to a ‘Being’ that fosters or nurtures the golden rule.

⁵⁵⁸ For example, an-Na‘īm has extensively used it in his theory on human rights. See: An-Na‘īm, Abdullahi, A., ‘Shari’a and Basic Human Rights Concerns’ in: Kurzman, Charles. [ed] *Liberal Islām: A Sourcebook* (Oxford: Oxford University Press, 1998), pp. 222-238.

⁵⁵⁹ Baumrin, Stefan Bernard., ‘The Shoes of the Other’, *The Philosophical Forum*, vol XXXV, 4 (2004), pp. 397 – 410 at p. 397. Baumrin also explores the various manifestations of this principle in philosophy and how it is applied in one’s personal life.

⁵⁶⁰ For further information on the golden rule, particular its manifestations in different religions, see: Wattles, Jeffrey., *The Golden Rule* (Oxford: Oxford University Press, 1996)

⁵⁶¹ Tullberg analyses these various kinds of contracts in: Tullberg, Jan., ‘The Golden Rule of Benevolence versus the Silver Rule of Reciprocity’, *Journal of Religion and Business Ethics* 3, 1 (2012), pp. 1 – 20.

⁵⁶² Arguably represented by the Muslim theological and mystical belief of Allah’s ninety-nine names such as *al-Alim* (the Knower), *al-Rahmān* (the Merciful), *al-Wali* (the Protector). For detailed analysis of each of Allah’s names, see Al-Ghazālī, Abū Hamid Muḥammad ibn Muḥammad., *The Ninety-Nine Beautiful Names of God*. Translated by David B. Burrell (Cambridge: The Islamic Texts Society, 1992).

In the case of moral theories, the contract is to a moral norm, as in the case of a moral doctrine but the difference lies in the objective nature of the norm. In a moral doctrine, the moral code has been codified, almost to the level of belief; this code is universal and accepted by the majority of society. However, in the case of moral theories, the types of contracts that result from the golden rule can be wholly personal, subjective, without any ontological source, changing and contextual. So, one could subscribe to utilitarianism, deontological ethics and virtue ethics or a combination of all of them which would manifest the golden rule for a particular situation or outcome. Here, contracts are effectively personal views of the kinds of duties human beings owe to themselves and society. Finally, in the Islamic-Western human rights discourse, contracts arise exclusively based on notions of human worth and natural entitlement and are geared towards respecting the rights of other human beings.

The Internal Human Contract, however, does not strictly fit into the aforementioned categories because it relates not only to the self but how the self operates in relation to biological tools. The golden rule related to how one should act, not what one should act with or what drives one's actions. The Internal Human Contract is specific to one's self or identity and its relation to his/her biological instruments. I would argue it would be difficult to follow any sort of golden rule, moral doctrine, moral theory or conception of dignity if there is no cultivated self and no understanding or respect for one's own biological devices. Moreover, it also encompasses the aforementioned categories as the Internal Human Contract presumes a code which that person considers objectified (perhaps similar to the notion of the moral doctrine), a personal oath to that very contract (in some respects similar to the oath made to a theological or religious doctrine), a theory as to why he/she has subscribed to (the idea that biological tools carry significance in moral-decision making) and finally, that this contract contributes to his/her dignity as a person (relating to the modern notion of human dignity). Perhaps this could change the way we conceive of international law considering that it is not just states that shape international legal and political process but individual actors as well. A similar reasoning could be applied to *'ilm al-fiqh* (the science of jurisprudence) which due to globalisation has become a kind of Muslim international law with global *mukallafīn* (legally accountable people). Thus there needs to be a system for individuals to deeply understand the contracts they form with other people.

Bioethics

In the realm of bioethics, the Internal Human Contract could be of particular use in discussions on human dignity, particularly when bioethicists remain somewhat hostile to contributions stemming from religious texts, arguing that “religious voices no longer carry much weight” in deliberations on human dignity.⁵⁶³ Human dignity is often viewed as autonomy or constraint, essentially categorising the concept as either a way in which human beings should be rightfully empowered (though their own creative, intellectual and moral capacities) or conversely, should be restrained (either by their own rational agency, social contracts or standards set by the state).⁵⁶⁴ Some have argued human dignity is simply indefinable and others have viewed it in terms of social rank.⁵⁶⁵ However, few have explored frameworks which help an individual cultivate his/her dignity and in particular, give importance to building a relationship with the self. Here, the issue is not necessarily what human dignity is but how to access this so-called ‘indefinable worth’ which seems to give a unique status to human beings.

As has often been the case in recent years, some such as Macklin have deemed it to be a “useless concept”⁵⁶⁶ and this is especially the case when the concept of the self is brought into the discussion. This is because the self is considered to be a non-rational entity and therefore is not something tangible or identifiable. Of course, this depends on one’s notion of the intellect and where one obtains this ‘worth’ from. This is more problematic when one talks of the soul in relation to human dignity because as Kraynak has argued, “scientific materialism denies the soul and thereby undermines human dignity, but most materialists find they cannot do without the soul and restore it by various strategies.”⁵⁶⁷ My concern is whatever intellectual strategy you employ to restore the source of dignity or whichever label you use to categorise it, we still need to ‘access’ that very dignity. This is not necessarily a religious issue but a practical one; what is the best kind of framework a human being can use to nurture his/her own worth?

⁵⁶³ Rae, Scott B., and Cox, Paul M., *Bioethics: A Christian Approach in a Pluralistic Age*. (Michigan: William B. Eerdmans, 1999) p. 2.

⁵⁶⁴ See: Beyleveld, Deryck and Brownsword, R., *Human Dignity in Bioethics and Biolaw*. (Oxford: Oxford University Press, 2001), chapter 1.

⁵⁶⁵ See: Meyer, M.J. ‘Introduction’ in Meyer, M.J., and Parent, W.A. *The Constitution of Rights: Human Dignity and American Values* (New York: Cornell University Press, 1999) p. 4.

⁵⁶⁶ Macklin, R., ‘Dignity as a Useless Concept’, *British Medical Journal* 327 (2003), pp. 1419-1420.

⁵⁶⁷ Kraynak, Robert P., ‘Human Dignity and the Mystery of the Human Soul’ in *Human Dignity and Bioethics: Essays Commissioned by the President’s Council on Bioethics* (Washington D.C: The President’s Council on Bioethics, 2008), p. 62.

Here, the Internal Human Contract could be used to shift the discourse on human dignity to the notion of ‘rights to the self.’ Perhaps this concept could inform discussions on human dignity (whether from the Western or Muslim worldview) by creating a framework for the self in which there is an entry point through one’s biological devices, which can lead to a greater understanding of personhood and innate worth.

Education

In the realm of education, secular education is being reinvestigated in order to see whether the detachment from God, religion and spirituality is an effective manner by which to teach students. The empirical approach of secular education which negates intuitive and ‘supra-rational’ sources of knowledge also diminishes the creative characteristics of students and halts personal moral reflection.⁵⁶⁸ This is also in light of the growing concern of youth misbehaviour and crime committed in the United Kingdom showing that the classroom is disconnected to a young person’s social and moral environment.⁵⁶⁹ As a result, there is now discussion using a hybrid ‘secular-spiritual’ approach to education which does not derive from religious sources but rather a humanist epistemology. In describing this approach, Bigger argues:

“We need to regard spirituality inclusively as a quest for personal meaning at the highest level, which includes intellectual, ethical, social, political, aesthetic and other such dimensions. It marks a quality of reflection which is holistic in scope, transcends material needs and ambitions, and transforms the personality in positive ways.”⁵⁷⁰

He further comments,

⁵⁶⁸ For a good discussion on the nature of intellect and revelation, see: Reza Shah-Kazemi, *Justice and Remembrance – Introducing the Spirituality of Imām ‘Ali* (London: I.B Tauris, 2007), pp. 22-36. See also Arkoun’s analysis of “tele-techno-scientific-reason”: Arkoun, Mohammed., *Islām: to Reform or to Subvert* (London: Saqi Books, 2006), p. 37.

⁵⁶⁹ See the following research: Halsey, K. and White, R. (2008). *Young People, Crime and Public Perceptions: a Review of the Literature* (LGA Research Report F/SR264) (Slough: NFER, 2008) and *Tackling Knife Crime – A Review of Literature on Knife Crime in the UK* (Royal Armouries, December 2007).

⁵⁷⁰ Bigger, Stephen., ‘Secular Spiritual Education?’, *Educational Futures*, Vol.1 (1), (August 2008), pp.60 – 70, p. 62.

“Spiritual development is a secular, holistic, deep rooted yet dynamic form of consciousness, deep personal growth integrating our understanding. Spiritual education is in a real sense education done properly, embracing the whole being of the learner. Religion can be a helpful staging post but also can become a prison which by dogmatism inhibits personal growth. Today we need deep and dynamic integrative thinking as food for new growth and renewal. Global as well as personal well-being depends upon it.”⁵⁷¹

Such methods are valuable in promoting a broader concept of education yet they are also paradoxical because they aim to include consciousness and personal growth without acknowledging the ontological sources of these feelings or the knowledge they produce. Religious believers would call this Divine inspiration and/or revelation yet these terms may be regarded as threatening to secularists. Again, there needs to be an honest exchange of what educators want from education and how they wish to nurture students. In my view, the Internal Human Contract could provide a viable framework for both religious believers and secularists within the fold of education to help nurture greater moral awareness and spiritual creativity in students. As I have argued in chapter four, the Internal Human Contract does not require religious belief at the outset (though it could develop later on) but rather encourages awareness of how to use one’s biological organs. This mechanism may help students from all religious and cultural backgrounds to carve out a deeper purpose to their lives rooted in a vision of morality and transcendence.

Overall, the three sections above give further direction to the research of this thesis and hopefully show the creative value in comparing the four texts of Kierkegaard, ‘Alī b. Abī Ṭālib, Kant and Zayn al-‘Ābidīn.

⁵⁷¹ Ibid: p. 68.

Bibliography

Primary Sources

Al-‘Ābidīn, Zayn. *The Psalms of Islām - Al-Ṣaḥīfat al-Kāmilat al-Sajjadiyyah*. Translated by William Chittick. (Qum: Ansariyan Publications, 1987)

Al-’Āmilī, Al-Ḥurr., *Wasāil al-Shī’a* (Qum: Ahlulbayt Institute. 1989)

Al-Ghazālī, Abū Hamīd Muḥammad b. Muḥammad., *The Ninety-Nine Beautiful Names of God*. Translated by David B. Burrell (Cambridge: The Islamic Texts Society, 1992)

Al-Hadīd, Izz al-Dīn b. Hibatullah b. Abī., *Sharḥ Nahj al-Balāgha* (Cairo: Dar al-Ihya Kutub al-Arabiyya, 1959-64)

Al-Harrānī, Abū Muḥammad al-Ḥasan b. Ali b. al-Ḥusayn b. Shu’ba. *Tuḥāf al-Uqoul (The Masterpieces of the Intellects)*. Translated by Badr Shahin (Qum: Ansariyan Publications, 2001)

Al-Irwānī, Bāqir., *Durūs Tamhīdīyyatun fī al-Fiqh al-Istidlālī*, volumes 1-3 (Qum: Mu’assisa al-Fiqh, 2005)

Al-Iṣfahānī, Al-Rāghīb. *Al-Mufradāt fī Gharīb al-Qur’ān*. (Dār al-Murtaḍa: Lebanon, 1983)

Al-Kāshānī, Muḥsin Fayḍ., *‘Ilm al-yaqīn fī uṣūl al-dīn* (Qum: Intisharat Bidar, 1980)

Al-Kāshānī, Muḥsin Fayḍ., *Uṣūl al-ma’ārif* (Qum: Markaz Intisharat Daftar Tablighate Islāmi, 1984)

Al-Kāshānī, Muḥsin Fayḍ., *Spiritual Mysteries and Ethical Secrets – a translation of al-Ḥaqā’iq fī Mahāsīn al-Akhlāq* by Amina Inloes, Nazmina Virjee and Muhammed Reza Tajri (London: ICAS Press, 2012)

Al-Khatīb, Abd al-Zahra al-Ḥusaynī., *Masādir Nahj al-Balāgha wa Asnādihuh* (Beirut, Lebanon: Dar al-Ta’aruf, 1988)

Al-Kūfī, Lūt b. Yahya b. Sa’īd b. Mikhnāf b. Sālim al-Azdi al-Ghamīdi., *Maqatal al-Ḥusayn*. Translated by Hamid Mavani. (Middlesex: Shī’a Ithnasheri Community of Middlesex, 2001)

Al-Kulayni, Muḥammad b. Ya’qūb b. Ishāq., *Al-Kāfī* (Qum: Dār al-Kutub al-Islāmiyyah, 1985)

Al-Majlisī, Muḥammad Bāqir. *Biḥār al-Anwār* (Beirut, Lebanon: Dar al-Ta’aruf, 1983)

Al-Mas’ūdi, Abū al-Ḥasan ‘Ali b. al-Ḥusayn., *Murūj al-dhahab wa-ma’ādin al-jawhar*, (Beirut: al-Jāmi’a al-Lubnāniyyah 1965-79)

Al-Mufīd, Muḥammad b. Muḥammad b. al-Nu’mān, *Amāli al-Mufid* (Qum: Shaykh Mufid’s Millienium World Congress, 1993)

Kitāb al-Irshad - The Book of Guidance. Translated by Ian K. Howard (London: Muḥammadi Trust, 1981)

Al-Muẓaffar, Muḥammad Riḍā., *Uṣūl al-Fiqh*, volumes 1-4 (Qum: Mu'assisa al-Nashr al-Islāmi, 2004)

Al-Narāqī, Muḥammad Mahdi b. Dharr, *Jāmi' al-Sa'dāt (The Collector of Felicities)*, Translated by Shahyar Sa'dat (Tehran: Islamic Propagation Organisation 1985)

Al-Ni'ma, 'Abdallah., *Madārik Nahj al-Balāgha* (Beirut, Lebanon: Dar al-Ta'aruf, 1972)

Al-Nisāpūri, 'Abdullah al-Ḥakīm., *Al-Mustadrak 'al al-Sahīḥayn*, (Beirut, Lebanon: Dar al-Ta'aruf, 1983)

Al-Nisāpūri, Abū al-Ḥusayn Muslim b. al-Hajjāj al-Qushayri., *Saḥīḥ Muslim* (Beirut; Dar al-Fikr, 1981)

Al-Qarāshī, Bāqir Sharīf., *The Life of Imām Zayn al-'Ābidīn*, translated by Jasim al-Rasheed (Qum: Ansariyan Publications, 2000)

Al-Raḍī, Abū al-Ḥasan Muḥammad b. al-Ḥusayn al-Mūsawī., *Nahj al-Balāgha*, edited by Husayn al-A'lamī, commentary by Muḥammad 'Abduh (Beirut: Mu'assasat al-A'lamī, 1993)

Al-Ṣadr, Muḥammed Bāqir., *Durūs Fī 'Ilm Al-Fiqh* (Qum: Al-Ghadir, 1995)

Al-Ṣadr, Muḥammad Bāqir., *Principles of Islamic Jurisprudence – according to Shī'ī law*. Translated by Arif Abdul Hussain and edited by Hamid Algar and Sa'eed Bahmanpour. (London: ICAS Press, 2003)

Al-Tabari, Abū Ja'far Muḥammad b. Jarīr., *Tārikh al-Tabarī – The History of Tabari* (New York: State University of New York Press, 1985 - 88)

Al-Tabarsi, Mirza Ḥusayn al-Nūri., *Mustadrak al-Wasā'il wa Mustanbat al-Masā'il* (Qum: Ahlulbayt Institute, 1988)

Al-Tūsi, Abū Ja'far Muḥammad b. Ḥasan., *Amāli al-Tūsi* (Qum: Dar al-Thaqafah, 1994)

Al-Tūsi, Naṣīr al-Dīn 'The Attributes of the Noble' (Awsaf al-Ashraf), *al Tawḥīd Islamic Journal*, vol XI, No. 3 & 4, <http://www.al-Islām.org/al-tawḥīd/awsaf/> (accessed 22nd December 2012)

Ar-Razi, Sayyid Shareef ar- *Nahj al-Balāgha – Imām 'Alī b. Abī Ṭālib's Sermons, Letters, and Sayings – Arabic and English*. Translated by Syed Ali Raza (Qum: Ansariyan Publications, 2007)

Arberry, Arthur John., *Discourses of Rūmi* (Iowa: Omphaloskepsis, 2000)

'Aqīl, 'Abdallah Baha'u Dīn b. 'Abdallah b. 'Abd al-Rahmān b. 'Abd Allah Ibn., *Sharḥ Ibn Aqīl 'Ala Alfīyyat b. Mālik*, volumes 1-2 (Beirut, Lebanon: Mu'assisa al-Tārikh al-'Arabī, 1996)

Aristotle, *On the Soul* (Loeb Classical Library, 1957)

Ashūb, Muḥammad b. ‘Alī b. Shāḥr., *Al-Manāqib Al Abī Ṭālib* (Najaf: al-Matba al-Haydariyya, 1956)

‘Baker Ali Khan v. Anjuman Ara’ (1903) 30 IA 94, reprinted in Asaf Ali Asghar Fyzee, *Cases in the Muḥammadan Law of India, Pakistan and Bangladesh*, 2nd ed. by Tahir Mahmood (New Delhi: Oxford University Press, 2005)

Cairo Declaration of Human Rights in Islam 1990. Online at: <http://www.oic-oci.org/english/article/human.htm> (accessed 22nd December 2012)

Ghopanchi, Ḥassan Sayyid ‘Alī., *Sharh Risālat al-Ḥuqūq* (Qum, 1982)

Ishāq, Muḥammad ibn., *The Life of Muḥammad*, translated by A. Guillame (Oxford: Oxford University Press, 2002)

Kant, Immanuel., *Groundwork for the Metaphysics of Morals*, Trans. Allen Wood (New Haven and London: Yale University Press, 2002)

_____. *Perpetual Peace: A Philosophical Essay*, Translated by M. Campbell Smith (London: George Allen & Unwin Ltd, 1795)

_____. *The Metaphysics of Morals*, translated by Mary Gregor (Cambridge: Cambridge University Press, 1991)

_____. *Kant on Education* (Ueber Paedagogik), trans. Annette Churton, introduction by C.A. Foley Rhys Davids (Boston: D.C. Heath and Co., 1900)

_____. *Religion within the Limits of Reason Alone*, trans. with an Introduction and Notes by Theodore M. Greene and Hoyt H. Hudson, Harper Torchbooks/The Cloister Library (New York: Harper & Row, 1960)

Ibn Manzūr, Abū al-Faḍl Jamāl al-Dīn Muḥammad. *Lisān al-‘Arab*. 15 vols, 3rd ed. (Beirut, Lebanon: Dar Sadir, 1994)

Ibn Kathīr, Ismāīl., *Al-Bidāyah wa al-Nihāyah* (Beirut, Lebanon: Dar al-Ta’aruf, 1993)

Kierkegaard, Søren., *Concluding Unscientific Postscript*, trans. Hong, Edna and Hong, Howard) (Princeton University Press, 1992)

_____. *Eighteen Upbuilding Discourses* (trans. Hong, Edna and Hong, Howard) (Princeton: Princeton University Press, 1990)

_____. *Either/Or*, trans. Hong, Edna and Hong, Howard) (Princeton University Press, 1987)

_____. *For Self Examination/Judge For Yourself* (trans. by Howard V Hong and Edna H Hong) (Princeton: Princeton University Press, 1990)

_____. *Kierkegaard's Attack upon Christendom*, 1854–55, trans. Walter Lowrie (Princeton: Princeton University Press, 1968)

_____. *Journals and Papers – Volume 1*, trans. Hong, Edna and Hong, Howard) (Indiana: Indiana University Press, 1967)

_____. *Søren Kierkegaard's Journals and Papers* (Indiana: Indiana University Press, 1978)

_____. *The Point of View*, translated by Hong, Howard and Hong, Edna (Princeton: Princeton University Press, 1998)

_____. *The Sickness unto Death*, trans. W. Lowrie (Princeton: Princeton University Press, 1954)

_____. *Practice in Christianity*, trans by Howard V Hong and Edna H Hong (Princeton: Princeton University Press, 1991)

Mahdī, Saīdī Sālīh ibn., *Sharḥ Risālat al-Ḥuqūq Sa'adāt al-Darayn bi-hi Taḥqīq Kitāb al-Nahjāyn* (Beirut, Lebanon: Dar al-Ta'aruf, 2005)

Mashayekhi, Ghodratullah., *A Divine Perspective of Rights* (Qum: Ansariyan Publications, 2002)

Mutahhari, Murtaḍa., *Glimpses of the Nahj al-Balagha* (Qum: Islamic Culture and Relations Organisation, 1997)

Mutahhari, Murtaḍa., *Understanding Islamic Sciences* (London: ICAS Press, 2002)

Najmi, Ayatollah Muḥammad-Ṣādiq., *From Medina to Karbala – In the Words of Imam al-Ḥusayn*. Translated by Dr. Muhammad-Reza Fakhr-Rohani. (Birmingham: Sun Behind the Clouds Publication, 2012)

Qarā'ī, 'Alī Qulī., *The Qur'ān: With a Phrase by Phrase English Translation*. (London: ICAS Press, 2004)

Raḥmānī, Saīd., *Tajalli wa – zuhur dar 'irfān nazari*. (Qum: Markaz Intisharate Daftar Tablighat Islāmi, 1997)

Rayshahri, M Muḥammadī., *The Scale of Wisdom: A Compendium of Shī'a ḥadīth* (London: ICAS Press, 2009)

Rūmi, Jalāl al-Dīn., *Rūmi Daylight: A Daybook of Spiritual Guidance*, translations by Camille Adams Helminsk and Kabir Helminski (Newbury: Threshold Books, 1995)

Ṣadra, Mulla., *The Elixir of the Gnostics*, trans. William Chittick (Chicago: Brigham Young University Press, 2003)

Tabatabāī, Allāmah al-Sayyid Muḥammad Ḥusayn., *Shī'ite Islām*. (State University of New York Press, 1979)

Tabatabāī, Allāmah al-Sayyid Muḥammad Ḥusayn., *Al-Mizan*. <http://www.shiasource.com/al-mizan/> (accessed 22nd December 2012)

Tabatabāī, Allāmah al-Sayyid Muḥammad Ḥusayn., *Kernel of the Kernel – Concerning the Wayfaring and Spiritual Journey of the People of the Intellect: A Shī‘ī approach to Sufism* – compiled and edited by Sayyid Muḥammad Ḥusayn Ḥusayni Tihirāni (Albany: State University of New York, 2003)

Tamīmi, Abdallah b. Muḥammad. *Ghurar al-Ḥikam wa Durar al-Kalim* (Qum: Islamic Studies and Research Centre:, 1987)

The Bible – English Standard Version (Wheaton: Good News Publishers, 2007)

Universal Declaration of Human Rights (1948). Online at: <http://www.un.org/en/documents/udhr/> (accessed 22nd December 2012)

UN Treaty Collection: International Covenant on Civil and Political Rights. UN. 2012-03-06. http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en.] (accessed 22nd December 2012)

Secondary Sources

Abbott, Kenneth W & Snidal, Duncan., ‘Hard and Soft Law in International Governance’, *International Organization* 54, 3, (2000), pp. 421–456

Afshari, Reza., ‘Islām and Human Rights: Tradition and Politics (review)’, *Human Rights Quarterly*, Volume 22, Number 1, February 2000, pp. 314-322

Al-Marzouqi, Abraheem Abdulla Muhammed., *Human Rights in Islamic Law* (Doctoral Thesis, University of Exeter, 1990): <http://catalog.hathitrust.org/Record/003591187> (accessed 22nd December 2012)

Allen, Anita L., ‘Undressing Difference: The Hijab in the West’, *Berkeley Journal of Gender, Law & Justice*, vol. 23 (2008), pp. 208-24

Almond, Ian., *History of Islām in German Thought: From Leibniz to Nietzsche* (New York: Routledge, 2010)

Alvares, Claude., “Recapturing Worlds - The Original Multiversity Proposal”, http://vlal.bol.ucla.edu/multiversity/Right_menu_items/Claude_proposal.htm (accessed 22nd December 2012)

An-Na‘īm, Abdullahi., *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law* ((New York: Syracuse Press, 1996)

_____. *Islām and the Secular State*, (Massachusetts: Harvard University Press, 2008)

_____. ‘Shari‘a and Basic Human Rights Concerns’ In: Kurzman, Charles (ed.), *Liberal Islām: A Sourcebook*. (New York and Oxford: Oxford University Press, 1998), pp. 222-38

‘Review of Baderin, Mashood A. International Human Rights and Islamic Law and Khan, Mainul Ahsan., Human Rights in the Muslim World: Fundamentalism, Constitutionalism and International Politics’, *European Journal of International Law*, 15 (2004), pp. 395-404

Anthony, Michael J & Benson, Warren S., *Exploring the History & Philosophy of Christian Education: Principles for the 21st Century* (Michigan: Kregel Publications, 2003)

Ameli, Saied Reza., *Bibliographical Discourse Analysis: The Western Academic Perspective on Islam, Muslims and Islamic Countries (1949 – 2009), volumes 1 - 4* (Wembley: Islamic Human Rights Commission, 2012)

Ameli, Saied Reza., Marandi, Syed Mohammed., Ahmed, Sameera., Kara Seyfeddin & Merali, Arzu., *British Muslims’ Expectations of the Government - The British Media and Muslim Representation: The Ideology of Demonisation* (Wembley: Islamic Human Rights Commission, 2007)

Amir-Moezzi, Mohammed Ali., *The Spirituality of Shī‘ī Islām – Beliefs and Practices* (London: I.B Tauris, 2011)

Amnesty International., *Saudi Arabia: Assaulting Human Rights in the Name of Counter-Terrorism* (London: Amnesty International Publications, 2009)

Ansari, Fahad., *British Anti-Terrorism: A Modern Day Witch-hunt* (Wembley: Islamic Human Rights Commission, 2006)

Arkoun, Mohammed., *Islām: to Reform or to Subvert* (London: Saqi Books, 2006)

Astley, Jeff., *The Philosophy of Christian Religious Education* (Birmingham, Alabama: Religious Education Press, 1994)

Arkoun, Mohammed., ‘Rethinking Islām Today’, *The ANNALS of the American Academy of Political and Social Science*, 588, (2003), pp. 18 – 39.

Aslan, Adnan., *Religious Pluralism in Christian and Islamic Philosophy: The Thought of John Hick and Seyyed Hossein Nasr* (London: Routledge, 1998)

Audi, Robert., ‘Natural Reason, Natural Rights, and Governmental Neutrality Toward Religion’, *Religion & Human Rights* 4, 2 (2009), pp. 157 – 175

Azizur, Raḥmān & Bhuiyan, Jahid Hossain., *An Introduction to International Human Rights Law* (Brill: Leiden and Boston, 2010)

Baderin, Mashood., *International Human Rights and Islamic Law*, (Oxford: Oxford University Press, 2005)

Baderin, Mashood Al., ‘Islām and the Realization of Human Rights in the Muslim World: A Reflection on Two Essential Approaches and Two Divergent Perspectives’, *Muslim World Journal of Human Rights*, 4 (1), (2007), pp. 1-25

Bahrululoom, Sayyid Fadhil. 'The Development of Shī'ī Scholarship before and after Mirza Shirza and his Intellectual Legacy in Samarra' in Panjwani, Imranali (ed)., *The Shī'a of Samarra: The Heritage and Politics of a Community in Iraq* (London: I.B Tauris, 2012), pp. 107 – 125

Barham, Ross., 'Metaphilosophical Dualism', *Essays in Philosophy* 12 (2011), pp. 272-290

Bauman, Zygmunt., *Postmodern Ethics* (Oxford: Oxford University Press, 1993)

Baumrin, Stefan Bernard., 'The Shoes of the Other', *The Philosophical Forum*, vol XXXV, 4 (2004), pp. 397 – 410

Baxley, Anne Margaret., *Kant's Theory of Virtue: The Value of Autocracy* (Cambridge: Cambridge University Press, 2010)

Becker, Ernest., *The Denial of Death* (New York: Free Press Paperbacks, 1997)

Beyleveld, Deryck and Brownsword, R., *Human Dignity in Bioethics and Biolaw*. (Oxford: Oxford University Press. 2001)

Benner, Drayton C., 'Immanuel Kant's Demythologization of Christian Theories of Atonement in Religion within the Limits of Reason Alone', *Evangelical Quarterly* 79, no. 2 (April, 2007), pp. 99-111

Besser-Jones, Lorraine., 'Personal Integrity, Morality and Psychological Well-Being: Justifying the Demands of Morality', *Journal of Moral Philosophy*, 5 (2008), pp.361–383

Bielefeldt, Heiner., *Symbolic Representation in Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 2003)

Bigger, Stephen., 'Secular Spiritual Education?', *Educational Futures*, Vol.1 (1), (August 2008), pp.60 – 70

Blackman, Lisa., *The Body: Key Concepts* (Oxford: Berg, 2008)

_____, *Immaterial Bodies: Affect, Embodiment and Mediation* (London: Sage Publications, 2012)

Browsers, Michaelle & Kurzman, Charles (eds)., *An Islamic Reformation?* (Oxford: Lexington Books, 2003), pp. 79 – 97

Burton, John., *The Sources of Islamic Law: Islamic Theories of Abrogation* (Edinburgh: Edinburgh University Press)

Calian, Carnegie Samuel., *The Ideal Seminary: Pursuing Excellence in Theological Education* (Kentucky: John Knox Press, 2002)

Caner K Dagli, "Ali bin Abī Ṭālib and Sufism" (Tehran: Ṣadra Islamic Philosophy Research Institute, 2006)

http://www.mullasadra.org/new_site/english/Paper%20Bank/Gnosis/Caner%20K_Dagli.htm#_ednref2 (accessed 22nd December 2012)

Cassese, A., *International Law* (Oxford: Oxford University Press, 2005)

Cavanaugh, Kathleen., 'Islām and the European Project', *Muslim World Journal of Human Rights* 4, 1 (2007), pp. 1 – 20

Chen, Cheryl L., 'Bodily Awareness and Immunity to Error through Misidentification', *European Journal of Philosophy* 19, 1 (2009), pp. 21–38

Chittick, William., "Ibn 'Arabi's own summary of the Fusus – 'The Imprint of the Bezels of the Wisdom'." *Journal of the Muhyiddin Ibn 'Arabi Society*, Vol. 1 (1982), pp. 1 - 44

_____. *The Sufi Path of Love* (New York: State University of New York Press, 1983)

Chittick, William (ed)., *The Essential Seyyed Hossein Nasr* (Indiana: World Wisdom Books, 2007)

'Clerical Authority in Shiite Islām: Culture and Learning in the Seminaries of Iraq and Iran' (2009-12) by the British Academy, British Society for Middle East (BRISMES) British Institute of Persian Studies (BIPS): : <http://www.thehawzaproject.net/> (accessed 22nd December 2012)

Cook, Michael., *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2010)

Cowan, J Milton (ed)., *Hans Wehr - A Dictionary of Modern Written Arabic* (New York: Spoken Language Services, 1976)

Dancy, Jonathan, Sosa, Ernest & Steup, Matthias., *Blackwell Companions to Philosophy: A Companion to Epistemology* (Oxford: Wiley-Blackwell, 2010)

Daftari, Abdulaziz., *Mulla Ṣadra and the mind-body problem: A critical assessment of Ṣadras approach to the dichotomy of soul and spirit*. (Doctoral Thesis, Durham University, 2010): <http://etheses.dur.ac.uk/506/> (accessed 22nd December 2012)

Davie, Grace., *Religion in Britain Since 1945: Believing Without Belonging* (Oxford: Wiley-Blackwell, 1994)

Dixon, Martin & McCorquodale, Robert., *Cases and Materials on International Law* (Oxford: Oxford University Press, 2003)

Douzinias, Costas., *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Abingdon: Routledge-Cavendish, 2007)

Dutton, Yasin., *The Origins of Islamic Law: The Qur'ān, the Muwatta' and Madinan 'Amal* (London: Curzon Press, 1999)

“Ensan-e-Kamel”, *Encyclopaedia Iranica*, <http://www.iranicaonline.org/articles/ensan-e-kamel> (accessed 22nd December 2012)

Embree, Lester., *Phenomenology: Critical Concepts in Philosophy, Volume 3* (London: Routledge, 2004)

Emon, Anver M., *Islamic Natural Law Theories* (Oxford: Oxford University Press, 2010)

_____, *Religious Pluralism and Islamic Law: Dhimmis and Others in the Empire of Law* (Oxford: Oxford University Press, 2012)

_____, ‘Conceiving Islamic Law in a Pluralist Society: History, Politics and Multicultural Jurisprudence’, *Singapore Journal of Legal Studies*, (2006), pp. 331-355.

_____, ‘Islamic Law and the Canadian Mosaic: Politics, Jurisprudence and Multicultural Accommodation’, *Singapore Journal of Legal Studies*, vol. 87, 2007, pp. 391-425

_____, ‘To Most Likely Know the Law: Objectivity, Authority and Interpretation in Islamic Law’, *Hebraic Political Studies*, vol. 4, no. 4 (2009), pp. 415–440

_____, ‘Natural Law and Natural Rights in Islamic Law’, *Journal of Law and Religion*, vol 20, no.2, 2004-2005, pp. 351-95

Ende, Werner and Brunner, Rainer., *The Twelver Shī‘a in Modern Times* (Leiden: Brill, 2001)

Esposito, John L., ‘Rethinking Islām and Secularism’, *ARDA Guiding Paper Series*, (State College, PA: The Association of Religion Data Archives at The Pennsylvania State University, 2010): <http://www.thearda.com/rrh/papers/guidingpapers.asp> (accessed 22nd December 2012)

Evans, C. Stephen., *Søren Kierkegaard’s Christian Psychology: Insight for Counseling and Pastoral Care* (Vancouver: Regent College Publishing, 1990)

Gabriel, Theodore, ‘Is Islām against the West’ in Geaves, Rob., Gabriel, Theodore., Haddad, Yvonne & Smith, Jane Idleman (eds), *Islām & the West Post 9/11* (Hants: Ashgate, 2004)

Garcia, Humberto., *Islām and the English Enlightenment 1670-1840* (Maryland: The Johns Hopkins University Press, 2011)

Garff, Joakim., *Kierkegaard, Søren Kierkegaard: A Biography* (Princeton: Princeton University Press, 2007)

Garrett, Green., ‘Kant as Christian Apologist: The Failure of Accommodationist Theology’, *Pro Ecclesia* 4, no. 3 (1995), p. 302

Ghanea, Nazila., Stephens, Alan & Walden, Raphael., *Does God believe in Human Rights* (Leiden: Brill, 2007)

- Gibbon, Edward., *The Decline and Fall of the Roman Empire* (London: Dent, 1911)
- Gimaret, D., 'Shahadah', *The Encyclopedia of Islām*, 2nd Edition, vol. 9, (Leiden: Brill, 1997)
- Gleave, Robert., *Inevitable Doubt – Two Theories of Shī'ī Jurisprudence* (Leiden: Brill, 2000)
- Goldenberg, Jamie L., Pyszczynski, Tom., Greenberg, Jeff and Solomon, Sheldon., 'Fleeing the Body: A Terror Management Perspective on the Problem of Human Corporeality', *Personality and Social Psychology Review* 4, 3 (2000), pp. 200 – 218
- Green, Ronald., *Kierkegaard and Kant: the Hidden Debt* (Albany: New York, 1992)
- Fagan, Andrew., 'Human Rights', *Internet Encyclopaedia of Philosophy* (2003). <http://www.iep.utm.edu/hum-rts/> (accessed 22nd December 2012)
- Fatemi, Seyed Mohammed Ghari., 'Who is a Refugee? Comparison of a Misconstrued Concept in International Human Rights, Shī'ī Fiqh and the Iranian Legal System', *The International Journal of Human Rights*, 9(2) (2005), pp. 183-223
- Fatemi, Seyed Mohammed Ghari., 'Autonomy, Euthanasia and the Right to Die with Dignity: A Comparison of Kantian Ethics and Shi'ite Teachings', *Islām & Christian Relations* 18, 3 (2007), pp. 345 – 53.
- Fine, Kit., 'The Question of Ontology' in Chambers, David, Manley, David and Wasserman, Ryan (eds)., *Metametaphysics: New Essays on the Foundations of Ontology* (Oxford: Oxford University Press, 2009).
- Fitzmaurice, G., 'Some problems regarding the formal sources of international law', *Symbolae Verzijl*, (1958), reproduced in Koskenniemi, M. (ed), *Sources of International Law* (Aldershot: Ashgate, 2000)
- Haddad, Yvonne Yazbeck., 'The Post-9/11 Hijab as Icon', *Sociology of Religion*, 68:3 (2007), pp. 253-267
- Hallaq, Wael B., *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005)
- _____, 'Was the Gate of Ijtihād Closed?', *International Journal of Middle East Studies*, Vol. 16, No. 1 (Mar., 1984), pp. 3-41
- _____, 'On Orientalism, Self-Consciousness and History', *Islamic Law and Society* 18, (2011), pp. 387-43
- Halm, Heinz., *Shi'ism* (Edinburgh: Edinburgh University Press, 2004)
- Halsey, K. and White, R. (2008). *Young People, Crime and Public Perceptions: a Review of the Literature* (LGA Research Report F/SR264) (Slough: NFER, 2008)

Harris, D.J., *Cases and Materials on International Law* (London: Sweet & Maxwell, 1998)

Hary, Benjamin H., *Multiglossia in Judeo-Arabic* (Leiden: Brill, 1992)

Heathwood, Chris., 'The Problem of Defective Desires', *Australasian Journal of Philosophy*, Vol. 83, No. 4 (Dec 2005), pp. 487 – 504.

Heelas, Paul., *Spiritualities of Life: New Age Romanticism and Consumptive Capitalism* (Oxford: Wiley-Blackwell, 2008)

Heidegger, Martin., *The Basic Problems of Phenomenology*, (Indiana: Indiana University Press, 1975)

Heineken, Martin J., 'Kierkegaard as Christian', *Journal of Religion* 37, no. 1 (Jan. 1957), pp. 20 – 30

Hick, John., *Evil and the God of Love*, revised ed (New York: Harper & Row, 1977)

Howland, Jacob., *Kierkegaard and Socrates: A Study on the Philosophy of Faith* (Cambridge: Cambridge University Press, 2006)

Human Rights Watch., *Human Rights and Saudi Arabia's Counterterrorism Response Religious Counseling, Indefinite Detention, and Flawed Trials* (Human Rights Watch, 2009)

Husserl, Edmund. *The Crisis of the European Sciences and Transcendental Phenomenology*. (Evanston: Northwestern University Press, 1970)

Igrave, Michael., *Justice & Rights: Christian and Muslim Perspectives* (Washington: Georgetown University Press, 2009)

Inati, Shams C., *Ibn Sina and Mysticism: Remarks and Admonitions, Part Four* (London: Kegan Paul International, 1996)

James, William., *What is an Emotion* (Radford: Wilder Publications, 2007)

Jannati, Muhammad Ibrahim., 'Ijtihad: It's Meaning, Sources, Beginnings and the Practice of Ray', *Al-Tawhid Islamic Journal*, vol.5 no.2 (1987), vol.6 no.1 (1989), vol.7 no.3 (1990). Link: <http://www.al-islam.org/al-tawhid/ijtihad/> (accessed 22nd December 2012)

Jordac, George., *The Voice of Human Justice* (Scandinavia: Meraj Educational Publishers & Book Distributors, 2009)

Kadivar, Mohsen., 'From Traditional Islām to Islām as an end in itself', *Die Welt des Islām*, 51 (2011), pp. 459 – 484

_____, 'Human Rights and Intellectual Islām' in: Vogt, Kari., Larsen, Lena & Moe, Christian Moe (eds), *New Directions in Islamic Thought: Exploring Reform and Muslim Tradition* (London: I.B Tauris, 2008)

Kamber, Richard., 'Philosophy's Future as a Problem-Solving Discipline: The Promise of Experimental Philosophy', *Essays in Philosophy* 12 (2011), pp. 291-311.

Keles, Ozcan., 'Promoting Human Rights Values in the Muslim World: the Case of the Gülen Movement.' In Yilmaz et al (eds.) *The Muslim World in Transition* (Leeds: Leeds Metropolitan University Press, 2007)

'Kierkegaard's Upbuilding Discourses' (2010-11) by the Oxford Centre for Theology & Modern European Thought. Held in Oxford, Aarhus and Copenhagen: <http://users.ox.ac.uk/cgi-bin/safeperl/ctmet/main.cgi?9> (accessed 22nd December 2012)

Kiper, Jordan., 'Do Human Rights Have Religious Foundations', *Religion & Human Rights* 7, 2 (2012), pp. 109 – 131

Kochler, Hans (ed.), *The Concept of Monotheism in Islām and Christianity* (Austria: Wilhelm Braumuller, 1982)

Kraynak, Robert P., 'Human Dignity and the Mystery of the Human Soul' in *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (Washington D.C: The President's Council on Bioethics, 2008)

Kuehn, Manfred., *Kant: A Biography* (Cambridge: Cambridge University Press, 2001)

Lal, Vinay., *Empire of Knowledge: Culture and Plurality in the Global Economy* (London: Pluto Press, 2002)

_____. "Modernity, Frameworks of Knowledge and the Ecological Survival of Plurality: An Introduction to the Multiversity Enterprise - United States Chapter", <http://vlal.bol.ucla.edu/multiversity/default.htm>. (Accessed 4th September 2012).

Landman, Todd., *Studying Human Rights* (London and New York: Routledge, 2006)

Lauterpacht, H., *International Law and Human Rights* (London: Stevens and Sons Ltd, 1950)

Lindholm, Charles., *Charisma* (Oxford: Wiley–Blackwell, 1993)

Little, John T., "Al-Insān al-Kāmil: the perfect man according to Ibn al-‘Arabi", *Muslim World* 77.1 (1987): pp. 43-54

Litvak, Meir., *Shī‘ī Scholars of Nineteenth Century Iraq: The Ulama of Najaf and Karbala* (Cambridge: Cambridge University Press, 1998)

MacKenzie, Don., Falcon, Ted and Raḥmān, Jamal. *Getting to the Heart of Interfaith: The Eye-Opening, Hope-Filled Friendship of a Pastor, Rabbi and Sheikh*. (Woodstock: Skylight Paths Publishing, 2009)

Macklin, R., 'Dignity as a Useless Concept', *British Medical Journal* 327 (2003), pp. 1419-1420

Madelung, Wilferd., *The Succession to Muḥammad: A Study of the Early Caliphate* (Cambridge: Cambridge University Press, 1997)

Madelung, Wilferd., 'Ali b. Husayn' in *Encyclopaedia Iranica*: <http://www.iranicaonline.org/articles/ali-b-hosayn-b-ali> (accessed 22nd December 2012)

Mahony, Anthony O', Peterburs, Wulstun & Shomali, Mohammed Ali., *Catholics & Shi'a in Dialogue: Studies in Theology and Spirituality* (Hertfordshire: Melisende, 2004); *Catholic-Shi'a Engagement: Reason & Faith in Theory and Practice* (Hertfordshire: Melisende, 2006); *A Catholic-Shi'a Dialogue: Ethics in Today's Society* (Hertfordshire: Melisende, 2008).

Makdisi, George., *The Rise of Humanism in Classical Islām and the Christian West with special reference to scholasticism* (Edinburgh: Edinburgh University Press, 1990)

_____, *Ibn Aqil: Religion and Culture in Classical Islam* (Edinburgh: Edinburgh University Press, 1997)

Mamdouhi, Hamid., *Du'a* (Qum: Ansariyan Publications, 2003)

Mansilla, Veronica Boix., "Assessing interdisciplinary work at the frontier. An empirical exploration of 'symptoms of quality'", *Research Evaluation* 15, 1 (2006): 17-29

Marshall, Colin., 'Kant's Metaphysics of the Self', *Philosophers Imprint* 10, 8 (2010), pp. 1 – 21

Marty, Martin E., *Baptism: A User's Guide* (Minneapolis: Augsburg Books, 2008)

Matsunaga, Yasuyuki., 'Human Rights and New Jurisprudence in Mohsen Kadivar's Advocacy of "New-Thinker" Islām', *Die Welt des Islāms*, 51 (2011), pp. 358 – 381

Mayer, Ann Elizabeth., *Islām and Human Rights: Traditions and Politics* (Colorado and Oxford: Westview Press, 1999)

_____, 'The Islām and Human Rights Nexus: Shifting Dimensions', *Muslim World Journal of Human Rights*, 4 (1), (2007)

Maududi, Abul A'la., *Human Rights in Islām* (Lahore: Islamic Publications, 1995)

McDowell, John., *Mind, Value & Reality* (Massachusetts: Harvard University Press, 1998)

McGinn, C. 'Can the Mind-Body Problem Be Solved', *Mind – New Series* 98, 391 (1998), pp. 349–366.

Meyer, M.J. 'Introduction' in Meyer, M.J., and Parent, W.A. *The Constitution of Rights: Human Dignity and American Values* (New York: Cornell University Press, 1999)

Michel, S.J., 'Sufism and Modernity in the Thought of Fethullah Gülen', *The Muslim World*, vol. 95 (2005), pp. 341-58

Millikan, Ruth G., 'Biosemantics', *The Journal of Philosophy* 86, 6 (1989), pp. 281 – 297.

_____ *Language, Thought, and other Biological Categories* (MIT Press, 2001)

_____ *Varieties of Meaning - the 2002 Jean Nicod Lectures* (MIT Press, 2006)

Moar, Magnus., 'Infinte Becoming': *The Ethical and Religious Implications of Kierkegaard's Notion of the Self* (Doctoral Thesis, University of Sussex, 2009): <http://ethos.bl.uk/OrderDetails.do?uin=uk.bl.ethos.507012> (accessed 22nd December 2012)

Modarressi, Hossein., *Crisis and Consolidation in the Formative Period of Shi'ite Islam: Abu Ja'far b. Qiba al-Razi and his Contribution to Imamite Shi'ite Thought* (Princeton: Darwin Press, Inc., 1993).

_____ *Tradition and Survival: A Bibliographical Survey of Early Shī'ite Literature – Volume 1* (Oxford: Oneworld, 2003)

Mohanty, J.N., 'Philosophy as reflection on experience' in Mohanty, J.N., *Essays on Indian Philosophy*, edited by Purushottama Bilimoria (Oxford India Paperbacks, 2002)

Momen, Moojan., *An Introduction to Shī'ī Islām: The History and Doctrines of Twelver Shi'ism* (Connecticut: Yale University Press, 1985)

Mooney, Edward F. *On Søren Kierkegaard: Dialogue, Polemics, Lost Intimacy, and Time* (Aldershot: Ashgate, 2007)

Moore, Charles E., *Provocations: Spiritual Writings of Kierkegaard* (Farmington: Plough Publishing House, 2007)

Moussavi, Ahmed Kazemi., *Religious Authority in Shi'ite Islam – from the Office of Mufti to the Institution of Marja'* (Kuala Lumpur: International Institute of Islamic Thought and Civilization, 1996)

Mottahedeh, Roy., 'Traditional Shī'ite Education in Qom' in Rorty, Amelie Oksenberg (ed.), *Philosophers on Education: New Historical Perspectives* (London: Routledge, 1998), pp. 449 – 445

Murray, Michael J. *Nature Red in Tooth & Claw: Theism and the Problem of Animal Suffering*. Oxford: Oxford University Press, 2008)

Nasr, Seyyed Hossein and O'Brien, Katherine., *In Quest of the Sacred: The Modern World in the Light of Tradition* (Lahore: Suhail Academy)

Nasr, Seyyed Hossein., *Islamic Philosophy from Its Origin to the Present: Philosophy in the Land of Prophecy* (Albany: State University of New York Press, 2006)

_____ *The Need for a Sacred Science* (Taylor & Francis e:library, 2005)

_____ *History of Islamic Philosophy* (London: Routledge, 1996)

Netton, Ian., *Islām, Christianity and Tradition: A Comparative Exploration* (Edinburgh: Edinburgh University Press, 2006)

_____, *Islām, Christianity and the Mystic Journey: A Comparative Exploration* (Edinburgh: Edinburgh University Press, 2011)

Nettler, Ronald L., *Sufi Metaphysics and Qur'ānic Prophets: Ibn Arabi's Thought and Method in the Fusus al-Hikam* (Cambridge: The Islamic Texts Society, 2003)

Neusner, Jacob (ed.), *Religious Foundations of Western Civilization: Judaism, Christianity and Islām* (Nashville: Abingdon Press, 2006)

Newman, Andrew J., *The Formative Period of Twelver Shi'ism: ḥadīth as a Discourse between Qum and Baghdad* (Taylor & Francis Group, 2010)

Nickel, James. *Making Sense of Human Rights: Philosophical Reflections on the Universal Declaration of Human Rights*, (Berkeley: University of California Press, 1987)

Nussbaum, Martha., *Upheavals of Thought: The Intelligence of Emotions* (Cambridge: Cambridge University Press, 2001)

Oh, Irene., *The Rights of God: Islām, Human Rights and Comparative Ethics* (Washington: Georgetown University Press, 2007)

Omer, Atalia, 'Can a Critic Be a Caretaker too? Religion, Conflict, and Conflict Transformation', *Journal of the American Academy of Religion* 79, 2 (2011), pp. 459 – 496

O'Neill, Onora., 'Kant on Reason and Religion', (University of Utah: Tanner Lectures on Human Values, 1995-6):
<http://tannerlectures.utah.edu/lectures/documents/oneill97.pdf> (accessed 22nd December 2012)

Panjwani, Imranali., 'Human Dignity in Islām: The Notion of 'Rights of the Self' in the work of Zayn al-Ābidīn as a Universal Framework to Cultivate Human Dignity', *Journal of Medical Ethics & Bioethics (Medicinska Etika & Bioetika)* (2012), vol. 19(1-2), pp. 2-6

_____, 'The Compartmentalisation of Holy Figures: A Case Study on the Heritage of the Samarran Shī'ī Imams', *World Journal of Islamic History and Civilization*, vol. 1 (1) (2011), pp. 15-26

Pattison, George., *Kierkegaard's Upbuilding Discourses* (London and New York: Routledge, 2002)

Perkins, Robert., *Eighteen Upbuilding Discourses: International Kierkegaard Commentary – Volume 5* (Georgia: Mercu University Press, 2003)

The President's Council on Bioethics., *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (Washington D.C: The President's Council on Bioethics, 2008)

Podmore, Simon., *Kierkegaard and the Self before God – Anatomy of the Abyss* (Indiana: Indiana University Press, 2011)

_____, ‘Kierkegaard as Physician of the Soul: On Self-Forgiveness and Despair’, *Journal of Psychology and Theology* 37, no.3 (2009), pp. 174 – 185

Powers, David S., ‘The Exegetical Genre nasikh al-Qur’ān wa mansukhuhu’, in: Rippin, Andrew., *Approaches to the History of the Interpretation of the Qur’ān*, (Oxford: Clarendon Press, 1988), pp. 119 – 31

Renard, John., *Islām and Christianity: Theological Themes in Comparative Perspective* (California: University of California Press, 2011)

Ricoeur, Paul., *Husserl: An Analysis of His Phenomenology* (Northwestern University Press, 2007)

Roberts, Richard., *Religion, Theology and the Human Sciences* (Cambridge: Cambridge University Press, 2002)

_____, ‘Contemplation and the ‘Performative Absolute’: Submission and Identity in Managerial Modernity’, *Journal of Management, Spirituality & Religion*, 9:1 (2012), pp. 9-29

Robinson, Neal., *Christ in Islām and Christianity* (Albany: State University of New York Press, 1991).

Romano, Carlin., “What Would Kierkegaard Do?”, *The Chronicle Review* 52, 35 (2006): <http://chronicle.com/article/What-Would-Kierkegaard-Do-/6532> (accessed 22nd December 2012)

Rudd, Anthony., ‘Kierkegaard on Patience and the Temporality of the Self: The Virtues of a Being in Time’, *Journal of Religious Ethics* 36, 3 (2008) pp. 491 – 509

Runzo, Joseph., Martin, Nancy M & Sharma, Arvind., *Human Rights and Responsibilities in the World Religions* (Oxford: Oneworld, 2003)

Russell, Jeffrey Burton., *Satan: The Early Christian Tradition* (New York: Cornell University Press, 1987)

Sachedina, Abdulaziz., *Islām and the Challenge of Human Rights* (Oxford: Oxford University Press, 2009)

_____, “The Clash of Universalisms: Religious and Secular in Human Rights”, *The Hedgehog Review* 9, no.3 (2007), pp. 49 – 62

Şadra Islamic Philosophy Research Institute., *Mulla Şadra and Comparative Studies* (Tehran, 2002)

Saritoprak, Zeki and Ünal, Ali., ‘An Interview with Fethullah Gülen’, *Muslim World* 95, (2005), pp. 447-467

‘Seminary Education and Ministerial Training: Shī‘īte and Christian Perspectives’ (June 2010) at Durham University: <http://www.dur.ac.uk/sgia/past/?eventno=7819> (accessed 22nd December 2012)

Schonfield, Martin., *The Philosophy of the Young Kant: The Precritical Project* (Oxford: Oxford University Press, 2000)

Shah-Kazemi, Reza., “‘Alī b. Abī Ṭālib” in Meri, Josef M. (ed), *Medieval Islamic Civilization, An Encyclopaedia*, (New York-London: Routledge, 2006), volume II, 36-37

_____. *Paths to Transcendence – according to Shankara, Ibn Arabi and Meister Eckhart* (Indiana: World Wisdom, 2006)

_____. *Justice and Remembrance – Introducing the Spirituality of Imām ‘Ali* (London: I.B Tauris, 2007)

Shirazi, Faegheh., *The Veil Unveiled: The ḥijāb in Modern Culture* (Gainsville: University Press of Florida: 2001)

Shomali, Mohammed., *Shī‘ī Islām: Origins, Faith and Practices* (London: ICAS Press, 2003)

Shafiq, Muḥammad & Abu-Nimer, Mohammed., *Interfaith Dialogue: A Guide for Muslims* (Virginia: The International Institute of Islamic Thought, 2007)

Singh, Nagendra (ed) and Samiuddin, Abida (ed), *Encyclopaedic Historiography of the Muslim World* (Delhi: Global Vision Publishing House, 2003)

Smith, Jane I., *Muslims, Christians, and the Challenge of Interfaith Dialogue* (Oxford: Oxford University Press, 2007)

Snowdon, Paul., ‘Persons, Animals and Bodies’ in: Bermudez, Jose Luis., Marcel, Anthony and Eilan, Naomi., *The Body and the Self* (Massachusetts: MIT Press, 1998), pp. 71 – 87

_____. ‘The Self and Personal Identity’ in: Shand, John., *Central Issues of Philosophy* (Oxford: Wiley-Blackwell, 2009), pp. 121 – 137

Spencer, Robert., *Religion of Peace? Why Christianity Is and Islām Isn’t* (Washington: Regnery Press, 2007)

_____. *The Truth about Muḥammad: Founder of the World’s Most Intolerant Religion* (Washington: Regnery Press, 2006)

Squire, Geoffery., ‘Interdisciplinarity in higher education in the United Kingdom’. *European journal of education* 27, 3 (1992), pp. 201-210

Stack, George., ‘Kierkegaard: the self and ethical existence’, *Ethics*, 83, no.2, (1978), pp. 108-125

Steinbock, Anthony., *Phenomenology and Mysticism: The Verticality of Religious Experience* (Indiana: Indiana University Press, 2007)

Stolijar, Daniel., *Physicalism* (London: Routledge, 2010)

Stubbe, Henry., *An Account of the Rise and Progress of Mahometanism*, (London: Luzac & Co, 1911)

Sweetman, James W., *Islām and Christian Theology: A Study of the Interpretation of Theological Ideas in the Two Religions – Part II, Volume 2* (Cambridge: James Clarke, 2002)

Tackling Knife Crime – A Review of Literature on Knife Crime in the UK (Royal Armouries, December 2007).

Taha, Mahmoud Mohamed., *The Second Message of Islām* (New York: Syracuse Press, 1987)

Taylor, Charles., *Sources of the Self* (Cambridge: Cambridge University Press, 2008)

_____. *A Secular Age* (Massachusetts: Harvard University Press, 2007)

Th Houtsma, M., *Brill's First Encyclopaedia of Islām, 1913-1936* (Leiden: Brill, 1987)

Thomas, David & Mallett, Alex (eds.), *Christian-Muslim Relations – A Bibliographical History* (Leiden: Brill, 2009 - 2012)

Tritton, A.S., 'Man, nafs, rūh, aql', *Bulletin of the School of Oriental and African Studies*, University of London, Vol. 34, No. 3 (1971), pp. 491-495

Tullberg, Jan., 'The Golden Rule of Benevolence versus the Silver Rule of Reciprocity', *Journal of Religion and Business Ethics* 3, 1 (2012), pp. 1 – 20

Turner, Bryan S. and Arslan, Berna Zengin., 'Shari'a and legal pluralism in the West', *European Journal of Social Theory*, 14, (2011), pp. 139-159

Turner, Colin., 'Bediuzzaman and the Concept of 'Adl: Towards a Nursian Ontology of Divine Justice'. *Asian Journal of Social Science* 38, 4 (2010), pp. 554-582

Vroom, Hendrik., *A spectrum of worldviews: an introduction to philosophy of religion in a pluralistic world* (Netherlands: Rodopi, 2006)

Walbridge, Linda S (ed.), *The Most Learned of the Shī'a: The Institution of the Marja Taqlid* (Oxford: Oxford University Press, 2001)

Warford, Malcolm L (ed.), *Revitalizing Practice: Collaborative Models for Theological Faculties* (New York: Peter Lang Publishing, 2008)

Wattles, Jeffrey., *The Golden Rule* (Oxford: Oxford University Press, 1996)

Weil, P., 'Towards relative normativity in international law', *American Journal of International Law* 77, (1983), pp. 413 – 442.

Whitehead, Alfred North., *Process and Reality*, Corrected Edition, ed. Griffin & Sherburne, New York: The Free Press, 1978,

Williams, Marc., 'Kant and Kierkegaard on Faith: In Service to Morality and a Leap for the Absurd', *Logos* 2, no. 1 (Fall 2004), pp. 82 – 97

Williams, Rowan., 'Archbishop's lecture - Civil and Religious Law in England: a Religious Perspective' (2008)

<http://www.archbishopofcanterbury.org/articles.php/1137/archbishops-lecture-civil-and-religious-law-in-england-a-religious-perspective> (accessed 22nd December 2012)

Wood, Allen W., *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999)

_____ *Kantian Ethics* (Cambridge: Cambridge University Press, 2008)

_____ 'The Final Form of Kant's Practical Philosophy' in Timmons, Mark (ed.), *Kant's Metaphysics of Morals: Interpretative Essays* (Oxford: Oxford University Press, 2004)

Wood Jr, Forrest., *Whiteheadian Thought as Basis for a Philosophy of Religion* (University Press of America, 1986)

Woodberry, J. Dudley., Zumrut, Osman & Koylu, Mustafa., *Muslim and Christian Reflections on Peace: Divine and Human Dimensions* (Maryland: University Press of America, 2005)

Yasrebi, S. Y., 'Philosophy of the Imāmat according to Mulla Ṣadra: An Analysis of the Personality and Attributes of the Imām in Light of the Transcendental Philosophy', *Journal of Shī'a Islamic Studies* 1, 1 (2008), pp. 29 – 56

Zinner, Samuel., *Christianity and Islām: Essays on Ontology and Archetype* (London: The Matheson Trust, 2010)